

Japan's Security Policy and the War on Terror: Steady Incrementalism or Radical Leap?

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Abstract

Japan's response to September 11, consisting of the enactment of an anti-terrorism law and the despatch of the SDF to the Indian Ocean in support of the US and other concerned states, has generated an intense debate on the future of its regional and global security role. For those opposed to the remilitarisation of Japanese security policy, SDF despatch is questioned on grounds of its constitutionality, the wisdom of using force for responding to terrorist phenomena, and as leading to the further integration of Japan into US global military strategy. For those that are desirous of the 'normalisation' of Japanese security policy, GOJ actions have been applauded as avoiding the 'Gulf War syndrome' and an important step towards Japan contributing to coalition actions for international stability. Opinions are also mixed on the implications of Japan's actions for the overall future trajectory of its security policy. On the one hand, Japan's participation in the campaign is seen to confirm the traditional incremental expansion of its military security role—the anti-terrorism law predicated on UN resolutions, limited in time, and avoiding an overt breach of the prohibition on the exercise of collective self defence. On the other, Japan's actions are seen as marking a watershed in its security policy, as they create a precedent for future operations in support of the US in the bilateral context of the US-Japan alliance, and *de facto* exercise of collective self defence which will lead eventually to its *de jure* recognition.

The objective of this working paper is to analyse and evaluate in detail these debates on the future of Japanese security policy. It argues that Japan's security policy is likely to proceed along a path which falls in between the two extreme scenarios outlined above. The events of September 11 were an extreme confluence of circumstances, and Japan has undoubtedly built into its reaction to September 11 a number of opt-out clauses that ensure it can return to the path incrementalism. But Japan has also indeed set a precedent for its security policy which could lead to the transfer of the principles of the anti-terrorism law to the US-Japan alliance, and has opened up new avenues for the exercise of collective security and cooperation with the UN, creating potentially radical effects for its security policy over the longer term. The study examines the issues of the trajectory of Japan's individual, bilateral alliance and multilateral security policy; the dynamics of the US-Japan alliance; the motivations of the key Japanese and US political, bureaucratic and military actors; the shifting policy-making structure in Japan; the reaction of East Asian states to Japan's actions; and theoretical questions concerned with alliance politics, and security policy-making.

Keywords: Japan; September 11; war on terror; US-Japan alliance; SDF; UN.

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Introduction: Japan's speedy and substantial response

In response to the September 11 attacks on the US, Prime Minister Koizumi Junichirō at 0:50am Japan time on the morning of September 12 issued an official condemnation of the terrorist incidents.¹ Koizumi later the same morning at 10:00am convened the Japanese government's National Security Council (NSC). The NSC reiterated the Government of Japan's (GOJ) position that the incidents represented an attack not only upon the US but also the rest of the democratic world, and adopted a six-point policy response stressing Japan's intention to cooperate with the US and other concerned states in order to combat international terrorism.² On September 19, the GOJ then issued its Basic Policy and list of seven immediate measures in response to the simultaneous attacks (*dōji tahatsu tero*) on the US, including the despatch of the Japan Self Defence Forces (JSDF) to provide support for US and other forces in actions against terrorism. Following these announcements, on 5 October the GOJ submitted to the Diet an Anti-Terrorism Special Measures Law (*Tero Taisaku Tokubestu Sochi Hōan*) and revisions to the Self Defence Forces Law in order to supplement existing legislation and to enable the SDF to undertake a range of activities in support of operations against terrorism.³ The bill passed the House of Representatives lower chamber on 16 October, and then passed the House of Councillors upper chamber and entered into law on 29 October. On 9 November, three Maritime Self Defence Force (MSDF) ships departed from Sasebo for the Indian Ocean to engage in 'information gathering' activities. On 16 November, the GOJ announced its Basic Plan of action based on the Anti-Terrorism Special Measures Law, and ordered the despatch on 25 November of a second flotilla of three MSDF transport and destroyers.⁴ These six MSDF ships, in combination with six Air Self Defence

1 Prime Minister's Office, 'Statement by the Prime Minister of Japan', 12 September 2001, http://www.kantei.go.jp/foreign/koizumispeech/2001/0911seimei_e1.html.

2 Prime Minister's Office, 'Government Response Policy Adopted by the National Security Council', 12 September 2001, http://www.kantei.go.jp/foreign/saigai/terojiken/taisyo_e.html.

³ The full name of law in Japanese is: *Heisei Jūsannen Kugatsu Jūichinichi no America Gashūkoku ni oite Hassei shita Terorisuto ni yoru Kōgeki nado ni Taiō shite Okanawareru Kokusai Rengō Kenshō no Mokuteki no Shogaikoku no Katsudō ni taishite Waga Kuni ga Jisshi suru Sochi oyobi Kanren suru Kokusai Rengō Ketsugi nado ni Motozuku Jindōteki Sochi ni Kansuru Tokubetsu Sochihō*. The official English translation is: The Special Measures Law Concerning Measures Taken by Japan in Support of the Activities of Foreign Countries Aiming to Achieve the Purposes of the Charter of the United Nations in Response to the Terrorist Attacks Which Took Place on 11 September 2001 in the United States of America as well as Concerning Humanitarian Measures Based on Relevant Resolutions of the United Nations.

⁴ The first flotilla of the fuel supply ship *Hamana* (*Towada*-class, 8,100-ton), and destroyers *Kurama* (*Shirane*-class, 5,200-ton) and *Kirisame* (*Harusame*-class, 4,550-ton) were originally despatched under Clause 18 Article 5 of the Defence Agency Establishment Law of 1954 which allows the GOJ to carry out 'necessary investigation and research for the conduct of operations' (*shoshō jimu no tsuikō ni hitsyō na chōsa oyobi kenkyū*). Despite the enactment of the Anti-Terrorism Special Measures Law in late October, the GOJ was still engaged in deliberations over the exact content of the Basic Plan, and thus decided to utilise the Defence Agency Law to ensure the earliest possible despatch of the MSDF to the geographically distant Indian Ocean and then to enlarge the scope of these ships activities in an *ex post facto* fashion by including their activities

Force (ASDF) transport aircraft, were charged with the mission of providing refuelling and logistical transport, medical and maintenance support to US and other forces in the Indian Ocean and Arabian Sea. The SDF's range of action was defined as including not just the sea and airspace of the Indian Ocean itself, but in addition that of the states located along the coast of the Indian Ocean and the supply lines stretching back to Japan, Australia and the US.

Most seasoned observers of Japan expect to see a pattern of international and regional crises precipitating changes in its security policy, but few envisaged the remarkable sequence of Japanese actions outlined above in the wake of September 11. During the Gulf War of 1990-91, the perceived failure to respond to US and international demands for a 'human contribution' re-launched a fierce domestic debate on Japan's post-Cold War security role, leading to an abortive attempt to pass in the Diet a UN Peace Cooperation Corps Bill in October 1990 and eventually the despatch of MSDF minesweepers to the Persian Gulf in after the cessation of hostilities. The final outcome of the international and domestic crisis generated by the Gulf War was to provide political momentum for the enactment of the International Peace Cooperation Law in June 1992, which has enabled the subsequent despatch of the SDF on UN Peacekeeping Operation (PKO) missions to Cambodia, Angola, Mozambique, the Golan Heights, El Salvador, and East Timor.⁵ Similarly, the North Korean nuclear crisis of 1994 indicated the fundamental lack of political and military confidence in the ability of the US-Japan alliance to respond to regional contingencies, and forced a process of the 'reconfirmation' (*saikakunin*) or 'redefinition' (*saiteigi*) of the alliance. This process, also set against the backdrop of the Taiwan Straits crisis of March 1996, culminated in the

within the Basic Plan and under the new law. The second flotilla of the fuel supply ship *Towada* (*Towada*-class, 8,100-ton), minesweeper tender *Uraga* (*Uraga*-class, 5,650-ton), and the destroyer *Sawagiri* (*Asagiri*-class, 3,550-ton) was despatched under the new law. The total deployment of MSDF personnel was set at a limit of 1,200 men, and 2,400 men when a change of units was rotated in. The initial period of operations for the operation was until 19 May 2002, but then extended by the GOJ for a further six months after this date. After arriving on station in the Arabian Sea from early December 2001, the MSDF ships have provided fuel oil and supplies to US ships, refuelled one UK ship on 29 January. The *Uraga* delivered humanitarian relief supplies to Karachi port in Pakistan on 12 December, before returning to Japan on 31 December. The GOJ despatched a third flotilla on 12 and 13 February to relieve its first flotilla, consisting of the fuel supply ship *Tokiwa* (*Towada*-class, 8,150-ton), and the destroyers *Sawakaze* (*Tachikaze*-class, 3,950-ton) and *Haruna* (*Haruna*-class, 4,950-ton). The first flotilla returned to Japan on March 16. The *Towada* and *Sawagiri* from the second flotilla returned to Japan on 26 April 2002. The ASDF began to transport supplies using C-130H aircraft to US forces in Japan and elsewhere under the anti-terrorism law on 29 November 2001, although it had already been engaged since October 7 in transporting humanitarian relief to Pakistan under the United Nations Peacekeeping Operations Law of 1992.

⁵ On SDF despatch to the Gulf and PKO operations and the effect on Japanese security policy debates, see Glenn D. Hook, *Militarization and Demilitarization in Contemporary Japan*, Routledge, London, pp. 86-90; Yamaguchi Jiro, 'The Gulf War and the transformation of Japanese constitutional politics', *Journal of Japanese Studies*, vol. 18, no. 1., Winter 1992, pp. 155-172; Inoguchi Takashi, 'Japan's response to the Gulf crisis: an analytic overview', *Journal of Japanese Studies*, vol. 17, no. 2, Summer, 1991, pp. 257-273; Aurelia George, 'Japan's participation in UN peacekeeping operations: radical departure or predictable response?' *Asian Survey*,

US-Japan Joint Security Declaration of April 1996, and the announcement of the revised Guidelines for Japan-US Defence Cooperation in September 1997.⁶ The final stage of this process of filling in the gaps in operability of the US-Japan alliance was the passage through the Diet in May 1999 of the Law Concerning Measures to Ensure the Peace and Security of Japan in Situations in Areas Surrounding Japan (*Shūhen Jitai ni Saishite Waga Kuni no Heiwa oyobi Anzen o Kakuho suru tame no Socchi ni Kansuru Hōritsu*, or abbreviated to *Shūhen Jitaihō*), which enabled the SDF to provide logistic support to US forces in order to defend Japan in the event of regional contingencies around its periphery (*shūhen*). Nonetheless, even given this track record of external crisis and incremental expansions in Japanese security policy, many Japan watchers—not only foreign, but also domestic—were taken aback at both the speed and the substance of the Japanese reaction to events.

Although the speed of Japan's response has still been subject to domestic and international criticism, even the most basic knowledge of the cautious pace of Japanese security policy-making debates and legislation in the post-Cold War period (and indeed Cold War period) indicates that the enactment of the anti-terrorism law was lightning swift.⁷ Compared to the tempestuous Diet debates on the International Peace Cooperation Law which took nine months, and the tortuous definitional debates on the geographical and functional scope of the *Shūhen Jitaihō* which took close to one year, the passage of the new law was smooth and rapid, requiring less than three weeks and thirty three hours of debate to pass both houses of the Diet.

Just as importantly, the contents of the anti-terrorism law and the subsequent activities of the SDF activities have been seen to represent a potential major expansion of Japan's military security role that in a number of ways goes beyond previous legal frameworks such as the *Shūhen Jitaihō* and International Peace Cooperation Law. SDF missions in the Indian Ocean represented a first for Japan's military forces in that it was first time they has been despatched overseas during an ongoing conflict. The anti-terrorism law, although it designates limitations upon the geographical range of SDF logistical operations in support of the US and other

vol. 33, no. 6, June 1993, pp. 560-575; Peter J. Woolley, *Japan's Navy: Politics and Paradox 1971-2000*, Boulder, Colorado: Lynne Rienner, 2000, pp. 89-130.

⁶ On the North Korean nuclear crisis and the Taiwan Straits crisis and the impact on the US-Japan alliance, see Christopher W. Hughes, 'The North Korean crisis and Japanese security', *Survival: The IISS Quarterly*, vol. 38, No. 2, pp. 79-103; Thomas J. Christensen, 'China, the U.S.-Japan Alliance, and the Security Dilemma in East Asia', *International Security*, vol. 23, no. 4, Spring 1999, pp. 49-80; Eric Heginbotham and Richard J. Samuels, 'Mercantile realism and Japanese foreign policy', *International Security*, vol. 22, no. 4, pp. 171-203.

⁷ George Wehrfritz and Hideo Takayama, 'Bringing up the rear: an embarrassed Japan tries to join the fight', *Newsweek*, 15 October 2001, p. 41.

states, at the same time provides one form of legal framework which expands the SDF's geographical scope of action far beyond that of *Shūhen Jitaihō*; enables new potential SDF missions on the land territory of states included within the geographical range of the anti-terrorism law; and indicates that in the future, under new laws, the despatch of the SDF in support of US forces could become almost limitless geographically.

In addition, the anti-terrorism law also appeared to many commentators inside and outside Japan to represent an expansion of the functional scope of SDF despatch. The anti-terrorism law differs from the International Peace Cooperation Law and *Shūhen Jitaihō* in that it allows for the use of weapons to protect not only the lives and bodies of individual SDF personnel and their units, but also those who 'have come under their control', which has been read as meaning wounded personnel from US and other forces, and refugees from the Afghan conflict. Moreover, this particular legal provision and indeed the entire anti-terrorism law and Japan's activities in the Indian Ocean have raised questions about Japan's adherence to its self-imposed ban upon the exercise of collective self defence. Japan's provision of logistical support to the forces of the US and other states which themselves were operating under the invocation of the principles of individual and collective self defence respectively, has been interpreted as necessarily an *de facto* act of collective self defence, and thus a breach of Japan's own constitutional prohibitions and a step beyond the International Peace Cooperation Law and *Shūhen Jitaihō* which were constructed with considerable care by the GOJ to avoid the collective self defence issue.

As analysed in more detail below and following the logic of Japanese policy-makers themselves, it is important to distinguish the anti-terrorism law from the *Shūhen Jitaihō* and other legal frameworks, in that they are different sets of laws designed for, it is argued, different sets of circumstances, and hence it is also important to be wary of drawing precedents for Japanese security policy from the anti-terrorism law. GOJ policy-makers continue to hold the public position that the SDF's geographical scope of action under the anti-terrorism law may not necessarily have implications for the future scope of US-Japan logistical cooperation under the bilateral security treaty, and that the ban on collective self defence remains firmly in place.

Nevertheless, despite GOJ protestations concerning the essential continuity of the security role provided for Japan under the anti-terrorism law, internal and external commentators have attached considerable significance to the new legislation. Elements of the mass media and

academic community, along with current and former Diet members of the Social Democratic Party of Japan (SDPJ), which oppose Japanese remilitarisation have questioned the SDF despatch from a variety of perspectives, including whether it is constitutional, whether military force is the most appropriate response to dealing with terrorist phenomena, and whether the anti-terrorism law sets a dangerous precedent for further integration of Japan into US regional and global military strategy.⁸ Added to these domestic critics, the governments of China and South Korea, and especially in the early stages of Japan's debate on the despatch of the SDF commented on the need for Japanese caution not to repeat the mistakes of past Japanese military endeavours. In contrast to this reaction, those in the media, academic and political communities that advocate a so-called more 'normal' role for Japan's utilisation of military force in cooperation with the US and the international community in order to contribute to global stability have broadly welcomed the anti-terrorism law as an important step forward in achieving this role.⁹ In particular, certain sections of US opinion less well-informed about the history of Japanese security policy, but viewing the events of September 11 through a US-focussed prism, have been encouraged by what they see as Japan's movement towards realising a role as the 'Britain of the Far East', solidly behind and looking to expand its support specifically for the US in its global campaign against terrorism.¹⁰

Hence, a wide variety of commentators and policy-makers are in agreement that the anti-terrorism law must carry some significance for the future of Japanese security, but where they would appear to lack a consensus is regarding exactly what type of precedent the law sets for its overall trajectory. For some, the new law and SDF operations represent more of a one-off action by Japan, which will not lead to any fundamental deviation from the traditional pattern of the incremental expansion of its security role both independently and in conjunction with the US, and which still leaves in place the constitutional and other prohibitions on the use of Japanese military power. Japan's much debated and eventual abstention from the despatch of

⁸ Gavin McCormack provides one highly trenchant critique of the legality and diplomatic wisdom of Japan response to the terrorist attacks. Gavin McCormack, 'Japan's Afghan Expedition', *Japan in the World*, <http://www.iwanami.co.jp/jpworld/text/Afghanexpedition01.html>. For similar criticisms of Japan's role and indeed the entire international political circumstances that have led to September 11 and its aftermath, see Sakamoto Yoshikazu, 'Tero no "bunmei" no seijigaku: ningen toshite dō kotaeru ka', in Fujiwara Kiichi (ed.) *Tero no Ato: Sekai wa Dō Kawatta Ka*, Tokyo, Iwanami Shinsho, 2002, pp. 1-28.

⁹ For instance, see Yukio Okamoto, 'Japan and the United States: the essential alliance', *The Washington Quarterly*, vol. 25, no. 2, Spring 2002, pp. 59-72. James Auer, the former Director of Japan Affairs at the Department of Defence, even claimed that Japan's support for the US after September 11 would be an opportunity to make amends for Pearl Harbour. James E. Auer, 'Japan's chance to reverse Pearl Harbor', <http://www.glocomnet.or.jp/okazaki-inst/pearlhauer.html>.

its most advanced Aegis Weapon System (AWS)-equipped destroyers as part of the MSDF flotilla to the Indian Ocean is seen as one indication of its ultra-caution about committing military forces to overseas operations. For others, Japan's recent actions represent a major incremental leap in its security policy that could take it to the point of no return in terms of breaking with its past traditions.¹¹ This is because, even though the anti-terrorism law has not challenged directly many of the constitutional prohibitions on the SDF *per se*, it has established *de facto* precedents of cooperation with the US and other states in the case of the global war on terrorism which mean that Japan will be obliged eventually to apply the same levels of cooperation to bilateral security cooperation with the US in other instances both regionally and globally. As House of Representatives LDP Diet Gotōda Masazuki (son of Gotōda Masaharu, former Cabinet Secretary) commented, the GOJ of Japan actions may have stretched the interpretation of the constitution like an 'elastic band' to breaking point, and questions have been raised as to whether the US expectation may be for Japan to support a future campaign against Iraq.¹²

Given the surprise at the speed and substance of Japan's response to the war on terrorism, and the divided debate over the exact significance of Japanese actions, the objective of this article, taking stock six months after September 11, is to examine the interrelated questions as to the reasons why Japan was able to cooperate so rapidly; why it chose the modality of response that it did; and what are the actual implications of its chosen response for its overall security policy in the future. The argument of the article is that the speed and substance of Japan's response can be accounted for by a possibly unique confluence of international and domestic factors, including: Japanese concerns about the need for firm cooperation with the US in order to underscore the solidarity of alliance relations and to avoid a repeat of the 'Gulf War' syndrome over a decade earlier; a degree of shared Japanese abhorrence at the September 11 attacks and consciousness of the need to cooperate with the international community to eliminate terrorism; broad changes in the general domestic debate on security in Japan; increased experience of crisis management and legislation framing amongst domestic policy-makers, and skilful maneuvering in the Diet to overcome domestic political deadlock; and the unique role of the Prime Minister's office and Prime Minister Koizumi himself, with an extraordinary level of public support, in guiding through the legislation.

¹⁰ For instance, see Larry M. Wortzel, 'Joining forces against terrorism: Japan's new law commits more than words to US effort', *The Heritage Foundation Backgrounder*, <http://www.heritage.org/library/backgrounder/bg1500.html>.

¹¹ *Far Eastern Economic Review*, 'New rules of defence', 1 November 2001, p. 20.

In terms of the debate on the final implications of the anti-terrorism law, and whether it represent a confirmation of traditional patterns of security policy or a turning point and abandonment of incrementalism, this article takes something of a middle position. On the one hand it argues that in the short term the anti-terrorism law is limited in significance. This is indeed because the law is the produce of exceptional international and domestic political circumstances; that most of the *de jure* restrictions on the despatch of the SDF remain in place and could, with the necessary political determination be reasserted as *de facto* restrictions; and that Japanese policy-makers employed the same degree of caution and ingenuity in framing the new law as in the *Shūhen Jitaihō* so as to provide them with opt-out clauses in future conflict scenarios—all arguing that Japan could well be indicating to the US that it would be unlikely to provide further support to the US in the campaign against terrorism beyond Afghanistan. In addition, Japan's actions in other non-military areas of security indicates that it is still following and in fact expanding its contribution to global security.

On the other hand, though, this article also argues that, despite the caution of Japan's policy-makers, the anti-terrorism law does set an important precedent for Japanese security policy over the medium to long term. The expansion of the geographical and functional scope of the SDF may also come to be applied to the bilateral domain of the US-Japan security treaty, as the GOJ finds it politically hard maintain a distinction between the support that it can provide to the US in the Afghan conflict under the anti-terrorism law and a regional contingency under *Shūhen Jitaihō*. Just as interestingly, the experience of the anti-terrorism law may not be to only force the pace of US-Japan bilateral military cooperation, but may also open up further avenues for Japanese cooperation in multilateral contexts. As noted later in the article, much of the justification for Japan's motivation to provide logistical support for the war on terrorism has been provided not by Article 9 of the Japanese constitution but by UN resolutions and the preamble of the Constitution arguing for international cooperation. Hence, even though much of Japan's support for the US in the Afghan conflict was motivated by the need to maintain political and military confidence in the bilateral alliance in other contexts, the fact that in this case these operations were actually carried out as part of a broader framework legitimised by multilateralism and the UN suggests that Japan may also be searching for a larger security role in these areas. as witnessed by its move to change the provisions on its participation in UN PKO at the same time. Indeed, it may be the case that Japan has now moved to *de facto* collective security, rather than collective self defence, and

¹² *Asahi Shimbun Yūkan*, 5 October 2001, p. 17.

thus a step closer towards realising Ozawa Ichirō's vision of Japanese security that failed to materialise during the Gulf War.

In order to carry out this investigation this article proceeds in the following manner. The first section is devoted to a more detailed analysis of the chronology and exact modalities of Japan's response to September 11. This section is necessary in order to provide a pool of empirical evidence from which to draw the explanations for the nature of Japan's actions and of their significance for the overall future of its security policy. All these sections are based on the extensive use of primary evidence from interviews with policy-makers in Japan, and primary evidence from newspapers, academic journals and other publications.

GOJ responses to September 11

As noted at the start of this paper, the GOJ's first official response to the September 11 attacks was for Prime Minister Koizumi to issue an condemnation of the attacks on the eve of the same day (in addition to a personal message of sympathy sent at the same time to President George W. Bush and the US citizenry), and then to convene the following morning the NSC consisting of the principal members of the Cabinet concerned with security matters.¹³ Koizumi only forty five minutes after hearing of the incident established a liaison office (*Kantei Renrakushitsu*) (later the same day converted to an emergency response office [*Kantei Taisakushitsu*], and then on 8 October later upgraded to the Emergency Anti-Terrorism Headquarters [*Kinkyū Tero Taisaku Honbu*]) at the Crisis Management Centre within the Prime Minister's Official Residence (*Sōrifu Kantei*), led by Chief Cabinet Secretary Fukuda Yasuo from the Cabinet Office (*Naikakufu*), and Assistant Chief Cabinet Secretaries Abe Shinzō and Furukawa Teijirō from the Cabinet Secretariat (*Naikaku Kanbō*). This headquarters was assisted by the Office of Crisis Management (*Naikaku Kiki Kanrishitsu*) in the Cabinet Secretariat, and headed by Sugita Kazuhirō, a former analyst at the Cabinet Information and Research Office (*Naikaku Jōhō Chōsashitsu*) In turn, Furukawa on 13 September instigated a secret task force, headed by Assistant Cabinet Secretary Ōmori Keiji on transfer from the JDA and consisting of key officials from MOFA, the JDA and

¹³ The NSC of Japan is composed of the following Cabinet ministers and ministers of state: Prime Minister (Chairman), the Vice Prime Minister, Minister for Foreign Affairs, Minister of Finance, Chief Cabinet Secretary, Chairman of National Public Safety Committee, Director-General of Japan Defense Agency, and the Director-General of Economic Planning Agency.

Cabinet Legislation Bureau, in order to oversee Koizumi's policy.¹⁴ The augmented and crucial role of the Prime Minister and the Cabinet Secretariat team in shaping overall GOJ policy is detailed in this and later sections, and represents one potential key development in Japanese security policy-making resulting from the September 11 crisis. At the same time, GOJ deliberations were to be joined also by officials from MOFA's functional and regional bureaux traditionally entrusted with the management of Japanese security policy (including the National Security Policy Division of the Foreign Policy Bureau [FPB], and Japan-US Security Treaty Division of the North American Affairs Bureau [NAAB]); from the Japan Defence Agency's Bureau of Defence Policy; and from the senior ranks of the Liberal Democratic Party (LDP) (especially Yamasaki Taku, the LDP Secretary General and close Koizumi ally), and its coalition partner New Kōmeitō Party. The GOJ's immediate six-point policy response, already mentioned earlier and which resulted from these pressing overnight deliberations, stressed that Japan would gather information on the safety of Japanese nationals; consider the despatch of a disaster relief team for all those affected by the terrorist incidents; ensure that the Japanese people were updated on the situation; take appropriate measures to prevent economic confusion in Japan and the rest of the world in the wake of the attacks; and, most importantly for the purposes of this paper, enhance the security of 'facilities and establishments related to the US in Japan', and 'respond in co-operation with the US and other concerned nations to combat international terrorism'.¹⁵

After the announcement of this six-point response, there then followed intense discussions within Japanese policy-making circles, both in government and amongst the opposition parties, as to how to flesh out these promises and to carry policy forward. In terms of those policy points designed to provide support for the US and other states to counteract terrorism, the enhancement of security for US facilities in Japan, and most particularly military bases, was the least controversial and problematic element. Nakatani Gen, Director General of the JDA, from the 12 September called for a revision of the SDF laws to permit the guarding of US bases on the Japanese main islands and in Okinawa.¹⁶ Influential policy-makers in the Cabinet, LDP, MOFA and the JDA expressed early and consistent backing for these proposals. However, the Kōmeitō and sections of the opposition parties were more cautious, seeing these changes in the SDF law as a first step towards the GOJ rolling out long-slated and wider emergency legislation (*yūji hōsei*) powers to loosen restrictions on the deployment

¹⁴Asahi Shimbun, 27 September 2001, p. 3; Tomohito Shinoda, *Japan's Response to Terrorism*, p. 2, <http://wwics.si.edu/asia/reports/2001/jpnterr.htm>.

¹⁵ Prime Minister's Office, 'Government Response Policy Adopted by the National Security Council', 12 September 2001, http://www.kantei.go.jp/foreign/saigai/terojiken/taisyo_e.html.

of the SDF to cope with armed aggression against Japan, and which they had viewed as representing the further remilitarisation of national security policy. More controversial, though, and forming the centrepiece of the debate on Japan's response to September 11 and the future course of its security policy were measures concerned with providing support to the US and other concerned states to combat terrorism.

MOFA, in line with its general position as the self-appointed guardian of the bilateral relationship with the US, was determined from the start that Japan should be seen to make a timely and visible contribution to supporting the US and not repeat the mistakes of the Gulf War. Immediately following September 11 there appears to have been some hesitation within MOFA as to what actual shape Japan's policy response should take, with certain sections of the ministry taking the line that the most effective contribution that Japan could make to suppress terrorism was a broader comprehensive approach utilising economic power to alleviate its causes.¹⁷ Japan's comprehensive notions of dealing with terrorism have arguably lived on in its role in providing humanitarian and economic assistance for the reconstruction of Afghanistan, as described later in this paper. Nonetheless, MOFA officials were also convinced from early on that Japan should demonstrate its commitment to any probable US military campaign against terrorism and to international security in general by seeking to despatch the SDF. MOFA's resolve to ensure the despatch of the SDF was evidenced by the meeting on 15 September between the then Japanese ambassador to the US, Yanai Shunji, and the US Deputy Secretary of State, Richard Armitage. Japanese press reports soon after the meeting alleged that Armitage famously requested to Yanai that Japan should 'show the flag' in supporting the US. Armitage has since refused to disclose the contents of his discussions with Yanai, whilst Yanai himself has denied that Armitage used such a phrase.¹⁸ The exact providence of Armitage's remarks, their exact usage as *gaiatsu* (external pressure) for influencing the course of Japanese policy, and whether in fact the US made any specific demands on Japan is discussed in more detail in later sections. But at this point it is suffice to note that they were interpreted by MOFA officials as confirmation of their own expectations that the US was likely to request some form of SDF despatch for the purposes of logistical support, and that Japan should respond favourably in order to demonstrate political solidarity with the US and other states against terrorism.

¹⁶ *Asahi Shimbun*, 13 September 2001, p. 4.

¹⁷ *Asahi Shimbun Yūkan*, 13 September 2001, p. 2.

The JDA, for its part, was also relatively keen to see SDF despatch in order to satisfy likely US expectations of support and to make a clear Japanese commitment to the elimination of international terrorism. The JDA's position also coincided with varying degrees with that of the SDF itself. The MSDF in particular, but also the ASDF and Ground Self Defence Force (GSDF), were generally supportive of the principle of despatch as means to support a US and international campaign against terrorism and simultaneously strengthen their own legitimisation; even if, as detailed later on, they were to be given considerable cause for anxiety by the unrealistic operational restrictions that they felt were placed upon them once in Indian Ocean theatre. In turn, MOFA, JDA and SDF consensus on the correctness of SDF despatch was also backed by the bulk of the LDP which also felt an urgent need to be seen to respond to US and international demands for action against terrorism.

Deciding the legal framework

However, whilst there was general agreement on the need for SDF despatch, clear policy divisions began to emerge amongst these actors on the issue of the legal framework that would make this feasible. Certain sections of the JDA and the LDP initially proposed that the GOJ should investigate whether the US-Japan Guidelines for Defence Cooperation and the *Shūhen Jitaihō* could be applied to enable SDF despatch and the provision of logistical support to US forces in a military campaign against terrorism.¹⁹ The JDA's logic was that the *Shūhen Jitaihō* provided an existing and carefully constructed framework that could be expanded with relative operational ease to areas such as the Indian Ocean, and that any attempt to create an alternative law would run the risk of becoming bogged down in prolonged Diet debates and prevent Japan from making a speedy response to any forthcoming US requests for support.²⁰ MOFA, the LDP, and other elements of the JDA moved to block these moves, preferring instead that the GOJ should enact a new legal framework for SDF despatch. MOFA's and these other group's opposition to the application of the *Shūhen Jitaihō* was derived from a range of factors. The first of these was that, even though as MOFA officials admit in private the *Shūhen Jitaihō* could probably have been reinterpreted and stretched to fit the case of the despatch to the Indian Ocean, and agreed with their JDA counterparts about the risks of becoming embroiled in Diet debates on a new law, the application of the existing law would have raised some unwanted questions about Japan's

¹⁸ *The Japan Times Online*, 7 October 2001, <http://www.japantimes.co.jp/cgi-bin/getarticle.pl5?nn20011007a2.htm>; *The Japan Time Online*, 15 November 2001, <http://www.japantimes.co.jp/cgi-bin/getarticle.pl5?np20011115a9.htm>.

¹⁹ Tamura Shigenobu, 'Tero Taisaku Kanrenhō no shushi to pointō', *Jiyū Mishu*, November 2001, p. 42.

²⁰ *Asahi Shimbun*, 16 September 2001, p. 4.

possible exercise of collective self-defence.²¹ Japanese provision of logistical support to the US under the *Shūhen Jitaihō* is deemed to avoid the exercise of collective self defence as SDF operations would be designed to assist US forces to defend Japan itself from contingencies in its regional periphery (*shūhen*) that ‘if left unaddressed would lead to the fear of a direct armed attack on Japan’.²² MOFA realised that it would be hard pressed to argue that a conflict in Afghanistan would necessarily and directly impact on Japan’s own security, and thus that they would also find it difficult to avoid accusations of collective self defence if it were to apply the *Shūhen Jitaihō* in this instance. Instead, and as seen below, Japanese policy-makers would need to find another justification and legal framework to provide support to the US and still avoid the collective self defence issue. The second problem for applying the *Shūhen Jitaihō*, despite the fact that the GOJ had consistently avoided the designation of a strict geographical definition of the scope of Japanese support for the US in a regional contingency, and preferred instead a situational definition of the scope of SDF action, was that government officials at the time of passage of the *Shūhen Jitaihō* through the Diet had made it clear that the Indian Ocean was not likely to be considered within the Japan’s regional periphery. Takano Toshiyuki, then Director General of MOFA’s NAAB stated in the House of Representatives Committee on Foreign Affairs on 13 May 1998 that the occurrence of a regional contingency in the Middle East or the Indian Ocean could not realistically be imagined to be of a degree sufficient to impact on Japan’s own security and thus invoke the revised US-Japan Guidelines; and Prime Minister Obuchi in the House of Councillors deliberations on the *Shūhen Jitaihō* on 28 April 1999 commented that whilst the definition of Japan’s periphery could not be strictly geographically defined it did have limits which meant that the Middle East and Indian Ocean were not envisaged to be within the scope of the bill for the *Shūhen Jitaihō*.²³ Thirdly, the *Shūhen Jitaihō* stated that Japanese logistical support for the US was to be limited to the sea and airspace of areas surrounding

²¹ Interview with Director level official, National Security Policy Division, Foreign Policy Bureau, MOFA, Tokyo, 29 March 2002.

²² This clause was inserted at the insistence of the New Kōmeitō in the final stages of Diet deliberations on the bill. In the Japanese original it reads: ‘*sono mama hōchi sureba, waga kuni ni taisuru chokusetsu buryoku kōgi ni itaru no osore ga aru jitai*’. *Shūhen Jitai ni Saishite Waga Kuni no Heiwa oyobi Anzen o Kakuho suru tame no Socchi ni Kansuru Hōritsu*.

²³ Takano’s remarks can be found in, *Dai142kai Kokkai Shūgiin Gaimuinkai Kaigiroku Dai 11gō*, 13 May 1998, p. 9. Obuchi’s comments are found at *Dai145kai Kokkai Sangiin Honkaigi Kaigiroku Dai 17gō*, 28 April 1999, p. 12. The GOJ probably could have got round even Takano’s statement if it was really felt necessary. Takano was later removed from his post for confirming on 22 May 1998 in the same committee that the definition of the *shūhen* was based on the original Far East definition of the range of the US-Japan security treaty pronounced by the government following the treaty’s revision in 1960 and which included the area north of the Philippines and Taiwan. *Asahi Shimbun*, 28 May 1998, p. 2. The removal of Takano from his post and disowning of his comments, and subsequent GOJ restressing of the situational nature of the Guidelines, could have given MOFA some legitimisation to stretch the Guidelines and *Shūhen Jitaihō* to the Indian Ocean if absolutely necessary.

Japan.²⁴ MOFA and other elements of the GOJ in the immediate aftermath of September 11 (even if not eventually implemented) had the apparent intention of seeking to despatch the GSDF to the ground territory of states bordering the Indian Ocean region, but this would have been instantly ruled out if the *Shūhen Jitaihō* has been applied.²⁵ Finally, MOFA and other policy-makers feared that the willful stretching of the *Shūhen Jitaihō* to meet the demands of an Afghan conflict could provide a hazardous precedent that would override strenuous government efforts in previous years to limit and retain control over the functional and geographical scope of US-Japan military cooperation.²⁶

This intergovernmental wrangling was decisively broken on 17 September by the intervention of Koizumi who instructed MOFA, the JDA and LDP Secretary General Yamasaki to prepare a new anti-terrorism law to enable SDF despatch.²⁷ Koizumi's exercise of his prime ministerial leadership and bid for the passing of an anti-terrorism law at the required rapid speed was partly a gamble based on the previous experience of Diet deliberations on security legislation. However, Koizumi and his *Kantei* advisers were given confidence at the time by the Prime Minister's phenomenally high personal popularity rating, and also were possessed of the genuine conviction that Japan had to respond proactively to US and international expectations for assistance to eradicate terrorism, and that SDF despatch was the next crucial stage in this response.²⁸ Consequently, Koizumi's government, having resolved to create an anti-terrorism law, then announced its Basic Policy and list of seven immediate measures in response to the attacks on the US, the most prominent element of which was a promise to despatch the SDF. The GOJ's Basic Policy, as announced by Koizumi, stated that Japan would under its own 'initiative' (*shutai teki ni*) engage in combating terrorism which it also regards as its 'own security issue'; strongly support the US as its ally and other concerned states; and take concrete, swift, effective and comprehensive measures to demonstrate its determination on this issue.²⁹ The GOJ's seven-point plan from points four to seven promised that Japan would strengthen international cooperation, including information sharing, in areas such as immigration control; extend humanitarian assistance to affected states, especially Pakistan and India, which were cooperating with the US; provide assistance to displaced persons; and again take appropriate measures to avoid

²⁴ *Shūhen Jitai ni Saishite Waga Kuni no Heiwa oyobi Anzen o Kakuho suru tame no Socchi ni Kansuru Hōritsu*, Article 1, Clause 3.

²⁵ Yachi Shōtarō, '9.11 tero kōgeki to Nihon no taiō', *Kokusai Mondai*, No. 503, February 2002, p. 12.

²⁶ *Asahi Shimbun*, 16 September 2001, p. 4.

²⁷ *Asahi Shimbun*, 19 September, p. 1.

²⁸ Interview with LDP House of Councillors Diet Member, Tokyo, 4 April 2002.

²⁹ *Koizumi Naikaku Sōri Daijin Kisha Kaikenroku*, 19 September 2001, <http://www.kantei.go.jp/jp/koizumispeech/2001/0919sourikaiken.html>.

international economic disruption. The first three points of the plan, as well as point six, concerned SDF despatch: the GOJ promising that it would take the necessary measures to enable the SDF to provide logistical support for US and other forces engaged in operations against terrorism; to embark on MSDF information gathering missions; to provide humanitarian assistance; and to guard US facilities in Japan. Koizumi then effectively sealed the GOJ's international pledge for the despatch of the SDF when he reiterated Japan's intention to provide logistical support for the US and other states during his talks with President Bush in Washington on 25 September.³⁰

Consequently, as a result of the *Kantei*'s leadership, and the announcement of the seven-point plan and SDF despatch and promises to the US, policy-making discussions amongst MOFA, the JDA and LDP (even though certain elements of the JDA and LDP continued to argue for the use of the *Shūhen Jitaihō*) effectively shifted to focus on the actual contents of SDF activities under the proposed anti-terrorism law as well as other related laws, the means to justify the new law's constitutionality, and the political methods to ensure its swift passage through anticipated opposition both from within the coalition government itself and from the opposition parties in the Diet.

Proposed SDF activities

In terms of the actual contents of the bill for the anti-terrorism law, key GOJ policy actors, whilst all seeking to enable SDF despatch in support of the US and other states within the possible limits of constitutional interpretations, differed in the degree of emphasis they attached to certain types of SDF activities. MOFA, the JDA, and the LDP were in clear agreement that the SDF's principal contribution should be logistical and at least match that of the *Shūhen Jitaihō* in its functional scope, and thus include activities such as MSDF refuelling and logistical supply for the US Navy. MOFA's apparent intention from early on, however, was to go beyond the functional and geographical scope of the *Shūhen Jitaihō* and revised US-Japan Guidelines by including in the bill the provision to enable the SDF to engage in humanitarian and medical operations for the benefit of US personnel and refugees on the ground in India and on the Afghanistan-Pakistan border. For MOFA, these types of operations, along with MSDF despatch, would serve as highly visible forms of Japan's human contribution and of 'flying the flag'. As noted earlier on, the International Peace Cooperation Law had permitted ASDF operations to airlift humanitarian supplies to Pakistan and India since early October 2001, and would have permitted similar GSDF missions in

³⁰ *Asahi Shimbun*, 26 September 2001, p. 1.

these states, if they had not already been barred by provisions of the same law which stated that SDF activities should take place in non-combat zones, a distinction that could not have been guaranteed on the volatile Pakistan border. Moreover, the restrictions on the use of weapons in the *Shūhen Jitaihō* and the International Peace Cooperation Law for the protection of individual SDF personnel and their units would have also limited the ability of the SDF to provide protection to US medical casualties and the potential influx of refugees on the Pakistan border.³¹ Hence, MOFA's determination was to insert two provisions into the law, absent from other forms of security legislation. The first enabled the despatch of the SDF to the ground territory of states around the Indian Ocean, by expanding the physical scope of SDF activities to the air, sea *and* land. The second provision expanded the use of weapons by the SDF to encompass the protection of 'the lives of those persons under their own control' (*jikō no kanri no moto ni haitta mono no seimei*), which could thus be read as US casualties and refugees.³²

JDA policy-makers shared MOFA's view on the need for Japan to demonstrate a human contribution to the campaign against terrorism through SDF despatch. Nonetheless, MOFA's known and increasing willingness since the early to commit the SDF to PKO and other similar types of missions as a symbol of Japan's political commitment to international security cooperation and to extinguish the humiliation of the Gulf War, was counterbalanced to some degree by the JDA's knowledge of the operational difficulties often involved and the concomitant need for caution in despatching the SDF to uncertain theatres such as the Indian Ocean and surrounding states. The GSDF in particular was concerned that MOFA's interest in despatch to Pakistan could lead to its exposure to terrorist attack and a combat scenario for which it was unequipped both legally in terms of rule of engagement and physically in terms of materiel and weapons. Prime Minister Koizumi's statement at a press conference on 24 April the day before he was due to meet President Bush and pledge SDF despatch further raised JDA concerns. Koizumi commented that the possibility could not be excluded of the SDF being placed in a 'hazardous position' (*kiken na tokoro*) when carrying out its logistic activities; a comment read by GSDF as reiterating possible despatch to Pakistan.³³

³¹ *Shūhen Jitai ni Saishite Waga Kuni no Heiwa oyobi Anzen o Kakuho suru tame no Socchi ni Kansuru Hōritsu* Article 10, Clause 3.

³² *Heisei Jūsannen Kugatsu Jūichinichi no America Gashūkoku ni oite Hassei shita Terorisuto ni yoru Kōgeki nado ni Taiō shite Okanawareru Kokusai Rengō Kenshō no Mokuteki no Shogaikoku no Katsudō ni taishite Waga Kuni ga Jisshi suru Sochi oyobi Kanren suru Kokusai Rengō Ketsugi nado ni Motozuku Jindōteki Sochi ni Kansuru Tokubetsu Sochihō, Buki no Shiyō.*

³³ *Asahi Shimbun*, 25 September 2001, p. 1.

Instead, the preferred input of the JDA into planning for SDF despatch and the design of the anti-terrorism law was directed towards measures related to the MSDF—a form of despatch thought far less risky due to its distance from the combat zone in Afghanistan and the obvious inability of al-Qaeda to deploy any forces at sea. The MSDF itself, traditionally enjoying the closest strategic and operational contacts of the three services of the SDF with the US military, and based on the positive experience of minesweeper despatch to the Persian Gulf in 1991, was clearly keen to impress on its cautious civilian JDA overseers that Japan's most important contribution to the US and other states would be at sea through a variety of means.³⁴ The MSDF's first concern was that it should provide protection for the assets of the US 7th Navy home ported in Japan. The US Navy seems to have genuinely feared that its aircraft carrier the *USS Kitty Hawk* would be a vulnerable target for terrorist attack whilst in dock at Yokosuka, and thus ordered the ship to put to sea on the 21 September to carry out exercises close to Okinawa. The JDA on the same day sent an MSDF destroyer and four minesweepers, in conjunction with Japan Coast Guard (JCG) vessels, to accompany the *Kitty Hawk* from harbour and out of Tokyo Bay. This was the first time that MSDF ships had accompanied the US Navy in non-exercise conditions and for some observers indicated a reversal in the GOJ's previous stance that escort duties by the MSDF were act of collective self defence.³⁵ The JDA justified this MSDF despatch as 'necessary investigation and research for the conduct of operations' in line with the Defence Agency Establishment Law, and as such a coincidental activity not designed for the protection of the *Kitty Hawk* and not an act of collective self defence. Nevertheless, the MSDF's obvious intention was to provide an escort for the *Kitty Hawk*, and the JDA Director General Nakatani acknowledged this *de facto* escort mission when he noted on 22 September that the MSDF ships 'went with' the *Kitty Hawk* because there was a fear of its being subject to terrorist attack which could then impact on Japan's own security.³⁶

Aegis despatch controversy

In addition to escort missions, the MSDF also argued that it should be permitted to use the same legal provision for the despatch of ships to the Indian Ocean for 'information gathering' missions in order to preempt the further legal justification likely to come with the anti-terrorism law and to provide early assistance for the US in the region. The MSDF's initial objective was to secure the despatch of one of its prized Aegis-equipped *Kongō*-class

³⁴ Interview with MSDF officer and member of MSDF Staff Office, JDA, Tokyo, 26 March 2002.

³⁵ For instance, in October 1990 during the build up for the Gulf War, the US requested that the MSDF escort the aircraft carrier USS Midway from Yokosuka to the East China Sea, but this was refused by the GOJ as a possible act of collective self-defence. *Asahi Shimbun*, 21 September 2001, p. 1.

destroyers. Aegis-equipped destroyers, designed for air defence, are the most advanced MSDF asset: mounting SPY-1 radar equipment with a range of five hundred kilometres and that can track two hundred objects at once; deploying SM-2 missiles (Standard Missile) that can be launched simultaneously at up to twenty targets over a one hundred kilometre range; and capable of digital data exchange with US Navy ships by means of Link-11 and Link-14 systems. Japan acquired these technologies and the entire AWS system itself from the US, and thus its *Kongō*-class destroyers would have been fully interoperable with the three Aegis-equipped destroyers that the US was to despatch to the Indian Ocean.³⁷ The MSDF argued that the *Kongō*-class destroyers would therefore be the most appropriate asset to spearhead its despatch to the Indian Ocean—its advanced capabilities ensuring the best defence for Japan’s own forces in an uncertain theatre of operations, and its interoperability ensuring the most flexible range of support possible for the US above all but also other states. Nonetheless, as will be seen below, these advanced characteristics of the Aegis destroyers were to become the very reason that its despatch was opposed by other elements of the policy community, and the MSDF’s contribution was limited to less advanced ships assets and the types of logistical support and refuelling found in the anti-terrorism law.

Opinion within the LDP, again whilst in general agreement with the need for some form of SDF despatch, was divided over the exact contents of permissible SDF activities and force structures. LDP policy-makers taking a more ‘hawkish’ line on SDF despatch, advocated that the anti-terrorism law should exceed the *Shūhen Jitaihō* and include the transport and provision of weapons and ammunition to US and other forces.³⁸ The more ‘doveish’ elements of the LDP, including many senior figures mindful of the need to speed the bill through the Diet and past their *Kōmeitō* coalition partner and opposition parties, were more cautious about establishing this new precedent for SDF activities. These LDP members were also concerned about JDA plans for the despatch of Aegis-equipped destroyers for a variety of reasons. The first and relatively minor reason was that Japan’s despatch of such a highly capable weapons platform as far as the Indian Ocean could be seen as an extreme indication to neighbouring states such as China and South Korea of Japan’s intent to exercise military force beyond its own territory. of Japan’s intent (the Aegis system serving as the potential platform for Japanese development of a Ballistic Missile Defence [BMD] system, and its deployment far from Japan serving to confirm possible Chinese fears that Japan might be

³⁶ *Asahi Shimbun*, 23 September 2001, p. 2.

³⁷ Tada Tomohiko, ‘Kaiji Indoyō haken kantai to Ījisukan’, *Gunji Kenkyū*, February 2002, pp. 87-91.

³⁸ *Asahi Shimbun*, 22 September 2001, p. 4.

prepared in the future to deploy a missile shield around Taiwan).³⁹ The second reason was the fear that the SDF's possession of actual capabilities in the field could determine it to follow certain types of undesired military action. The anxiety of certain observers was that the Aegis's air defence capabilities could place the MSDF in scenarios where it might be requested to shoot down a hijacked airliner that was a threat to coalition forces, or that the fire control computers on board might accidentally fire upon civilian air traffic in the same way that US Aegis ships destroyed an Iranian airliner in the Gulf in 1988.⁴⁰ Arguably, these scenarios were somewhat unrealistic, and LDP policy-makers were uninformed about the actual capabilities and safeguards of the Aegis system, but they became factors that were to weigh against the despatch of *Kongō* class destroyers. The third and most important reason for opposition to the Aegis despatch was the problem of the potential exercise collective self-defence derived from the ability of MSDF ships to seamlessly data link with their US counterparts. According to the Cabinet Legislation Bureau, MSDF data-linking and information sharing with the US Navy does not represent an act of collective self defence as long as the information shared is of a general nature and does not lead to the direct use of force by the US against a specific target. Hence, the MSDF would be able constitutionally to inform the US Navy about movements in air traffic detected by its SPY-1 radar. But if the US were then found to have used this information supplied by Japan in order to shoot down a particular plane, this would be deemed as an act of collective self defence. LDP policy-makers clearly felt that this ability to data-link, and the problems of distinguishing during operational conditions different streams of information for different purposes, could have led to accusations of Japan exercising the right of collective self defence. Added to this, LDP policy-makers were also concerned that the interoperability of US Navy and MSDF Aegis-equipped ships could also lead to requests from the US for Japan to take over certain air defence operations if the US was forced to deploy its Aegis assets elsewhere as the conflict in Afghanistan and in other areas such as the Persian Gulf progressed. LDP policy-makers again shied away from this as a case of military technology determining SDF tactical operations and challenging interpretations of collective self defence.⁴¹ Influential LDP figures such as Chief Cabinet Secretary Fukuda, Yamasaki Taku and Nonaka Hiromu, although not able to totally eliminate proposals for Aegis despatch, seem to have decided that the best way for the

³⁹ Christopher W. Hughes, 'Sino-Japanese relations and ballistic missile defence', in Marie Söderberg (ed.), *Chinese-Japanese Relations in the Twenty First Century: Complementarity and Conflict*, London, Routledge, 2002, pp. 74-76.

⁴⁰ *Asahi Shimbun*, 28 October 2001, p. 2; Interview with retired MSDF Rear-Admiral, Okazaki Institute, Tokyo, 4 April 2002.

⁴¹ Interview with Assistant Director-level JDA official, Bureau of Defence Policy, JDA, Tokyo, 22 March 2002.

MSDF to avoid being placed in these types of operational dilemmas was to deprive them of the military capability to be able to make such choices in the first place.⁴²

However, as elements of the policy-making community and military analysts have pointed out, in many ways these LDP figures appear to have lacked a serious understanding of the Aegis and other MSDF capabilities and so created an ineffective or even dangerous policy for despatch. For even though opposition to Aegis despatch would have countered scenarios such as the MSDF taking over certain key air defence roles from the US, the actual MSDF ships that were eventually dispatched still deployed Link-11 and Link-14 capabilities and could still exchange information smoothly with the US Navy, and thus create similar if less extreme problems of collective self defence. In addition, others have argued that the MSDF's lack of a highly effective air defence such as Aegis when deployed in the Indian Ocean actually endangered Japan's forces on two counts: firstly, they could not defend themselves from possible attacks, but, secondly, and perhaps more seriously given the nature of coalition deployments in the region, they might not be fully privy to all warnings on air traffic movements and fully coordinated with the forces of other states, so leading to the risk of 'blue on blue' or 'friendly fire' upon Japanese ships.⁴³

Legal justifications and the UN

In terms of the necessary justification for SDF activities under the proposed anti-terrorism law, GOJ policy-makers had to exercise their usual considerable ingenuity in the interpretation of constitutional restrictions. Article 9 of the Constitution of Japan presented two principal difficulties for Japan's despatch of the SDF to provide logistical support for US and other forces engaged in a military campaign against terrorism. The first of these was that SDF despatch should not constitute an integral part of the use of force (*buryoku kōshi to ittaika suru*), and secondly, interrelated with this, that Japan should not be seen to exercise collective self defence. The first difficulty was handled relatively easily by using the precedent of the *Shūhen Jitaihō* which had already established in Diet deliberations the accepted principle that Japan's provision of logistical support to the US would not constitute its joining a conflict and the use of force as long as the SDF activities took place outside the demarcated line of the combat zone (*sentō kōdō to wa issen o kaku suru basho*).⁴⁴ During the passage of the anti-terrorism through the Diet this principle was not to be seriously

⁴² Interview with LDP House of Councillors Diet Member, Tokyo, 4 April 2002

⁴³ Interview with MSDF officer and member of MSDF Staff Office, JDA, Tokyo, 26 March 2002.

⁴⁴ *Shūhen Jitai ni Saishite Waga Kuni no Heiwa oyobi Anzen o Kakuho suru tame no Socchi ni Kansuru Hōritsu*, Article 6.

challenged despite the fact that to many observers it appeared that Japan's supply of logistics and fuel to US forces which were then destined for combat operations, even if SDF actions took place outside the combat zone, was essentially the same as the use of force; and, indeed, MSDF officers have maintained that it is nearly impossible in operational terms at sea to distinguish exactly where the shifting boundaries of the combat zone lie. The GOJ's attempt to distinguish Japanese actions from the use of force was to be further reinforced by its writing into the anti-terrorism law that the SDF would not supply maintenance or fuel to aircraft about to take off on military sorties.⁴⁵

The second issue of collective self defence was to prove more complex for the GOJ, its position being that Japan inherently possesses this right as a sovereign state under Article 51 of the UN Charter, but that it cannot exercise this right due to interpretations of Article 9 of the Constitution which view participation in collective self defence as exceeding the limits of the necessary force for self defence. Japan in the case of the *Shūhen Jitaihō* was able to circumvent the issue of collective self defence as SDF actions under the law in support of the US could more easily be predicated as functioning for the defence of Japan itself. However, as noted in the section above, Japan was unable to draw the same connection between US forces engaged in actions in Afghanistan and its own security, and added to this its position was further complicated by the particular justification that the US and its other allies had selected for their campaign against terrorism. The UN Security Council (UNSC) on 12 September unanimously adopted Resolution 1368 expressing its condemnation of the attacks and determination 'to combat by all means threats to international peace and security caused by terrorist acts', and recognising the inherent right of individual and collective self defence called on all member states to cooperate to bring the perpetrators of the attacks to justice.⁴⁶ This was followed by on 28 September by Resolution 1373 which authorised states to take a range of political and economic steps necessary to prevent the 'commission of terrorist acts'.⁴⁷ The US (and also the UK) nonetheless made clear when reporting to the UNSC on 7 October concerning its subsequent military actions in Afghanistan that these were legitimised based upon the invocation of Article 51 of the UN Charter and the rights of collective and self defence.⁴⁸ In the meantime, the North Atlantic Treaty Organisation's (NATO) response

⁴⁵ *Heisei Jūsannen Kugatsu Jūichinichi no America Gashūkoku ni oite Hassei shita Terorisuto ni yoru Kōgeki nado ni Taiō shite Okanawareru Kokusai Rengō Kenshō no Mokuteki no Shogaikoku no Katsudō ni taishite Waga Kuni ga Jisshi suru Sochi oyobi Kanren suru Kokusai Rengō Ketsugi nado ni Motozuku Jindōteki Sochi ni Kansuru Tokubetsu Sochihō*, *Beppyō Dai1 Bikō 2, Beppyō Dai2 Bikō 2*.

⁴⁶ UNSC Resolution 1368, 12 September 2001, <http://www.un.org/NEWS/Press/docs/2001/SC7143.doc.htm>.

⁴⁷ UNSC Resolution 1373, 28 September 2001, <http://www.un.org/News/Press/docs/2001/sc7158.doc.htm>.

⁴⁸ Christopher Greenwood, 'International law and the war against terrorism', *International Affairs*, vol. 78, no. 2, April 2002, p. 311-312. The US reticence to actively employ the UNSC resolutions was probably due to the

to September 11 was to invoke Article 5 of the Washington Treaty and to support the US based on the principle of collective self defence. The GOJ in seeking to articulate the legitimisation for its own response to September was then faced with the problem that the US was largely eschewing UN resolutions and justifying its military actions as an act of individual self defence, and that the US's NATO allies were providing support as an act of collective self defence. For Japan the clear implication was that any support it provided could be construed as for the benefit of the individual security of the US and as mirroring NATO's invocation of collective security in coming to the aid of the US as an ally, and thereby constituting a breach of its own restrictions on the exercise of the right of collective self defence.

The path that the Japanese government took to navigate its way around this issue was to switch the emphasis away from the exercise of collective self defence towards an interpretation of the Constitution and SDF actions that stressed instead something akin to the concept of collective security. The GOJ was able to do this by switching at the same time the emphasis away from Article 9 as the sole justification of Japanese actions towards the Preamble of the Constitution, and by employing UN Resolution 1368 as the bridge between the Constitution and the anti-terrorism law. GOJ policy-makers were able to draw attention to the Preamble which states that Japan desires, 'to occupy an honoured place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance', and that it pledges its 'national honour to accomplish these high ideals and purposes with all our resources'. GOJ policy-makers were also able to point to the fact that the UN as the highest representative of international society had issued a call under Resolution 1368 to all its members, including by implication Japan, to cooperate in order to combat terrorist actions which had been designated as threats to the preservation of international peace and security. Hence, the Preamble provided the justification for GOJ policy-makers to seek to cooperate with UN and Resolution 1368 to combat terrorism. In the turn, the next obstacle for the GOJ was how to connect Japanese cooperation with the UN with cooperation with its US ally, which, as noted above, had itself preferred to avoid the active use of UN resolutions in order to legitimise its actions in Afghanistan, and favoured instead the exercise of the right of individual and collective self defence. The ingenuity of GOJ policy-makers was evident here in the way in which they sought to utilise and interpret Resolution 1368 as the basis of Japanese actions. Japan's policy-makers, although they

concern that this would set a precedent for their free usage in other instances by states such as Russia and China. Michael Byers, 'Unleashing force: terrorism, response and international law', *The World Today*, vol. 57, no. 12,

acknowledged those sections of the resolution that identified the US as the target of the terrorist attacks and reaffirmed the rights of states to respond on the basis of individual and collective self defence, emphasised instead the other sections of the resolution which identified the attacks as a threat to ‘international peace and security’ and called on concerned states to combat terrorism to preserve international peace. Hence, the GOJ sought to stress that the terrorism of September 11 was not just an attack on the US *per se*, but more widely upon international security in general. In this way, the GOJ would be able to portray its actions against terrorism as not designed to come to the specific assistance of the US, which would have constituted an act of collective self defence, but as designed to contribute to overall international peace and stability, so approximating more to an act of collective security rather than collective self defence. GOJ policy-makers could also reverse this logic to legitimise the provision of Japanese support to the US in its actions against terrorism. The GOJ argued that this was not support designed to assist the US in a campaign to defend the US homeland in response to September, but was support designed to assist the US in a broader campaign—based on UN Resolution 1368, even if the US did not itself use actively this particular legitimisation—to preserve international peace and security from terrorism. Moreover, to cap all this, the GOJ could also argue that its support for the US could not constitute an act of collective self defence as it did not involve the use of force on the part of Japan, as noted above. .

The exact significance of this shift to the utilisation of the Preamble, UN resolutions, and emphasis on collective security for the future of Japanese security policy is explored in later sections. At this juncture, though, it is simply important to stress that GOJ policy-makers were to seek to formulate a legal framework to enable the *de jure* despatch of the SDF within the context of Japan’s support for the UN, even though the actual *de facto* content of SDF activities was to be overwhelmingly devoted to support for Japan’s bilateral ally the US. GOJ emphasis upon the UN and collective security-oriented legitimisation for providing support to the campaign against terrorism and for SDF despatch was demonstrated by the constant references of its policy-makers to Japan’s contribution to international security as a whole rather than to specifically assisting the US. From immediately after September 11, through to the unveiling of the GOJ seven-point policy package, and well beyond the discussions of the formulation of the anti-terrorism law, policy makers consciously stressed that Japan was acting ‘on its own initiative’ to avoid accusations of exercising collective self-defence in responding to September 11, and that it was acting not only in conjunction with the US but

also ‘other concerned states’ and the UN to counteract terrorism for the benefit of international peace and security. Indeed, the GOJ cautious framing of the anti-terrorism law to predicate Japanese actions on the basis of the US is demonstrated by its very name and contents. After some deliberation, the extremely cumbersome name of the law was designed to demonstrate that SDF actions would be in support of all foreign countries, not solely the US, to combat terrorism and that it was designed to achieve the aims of the UN. Clause 2 of the law was also to emphasise that GOJ actions were legitimised, ‘recalling that UNSC Resolution 1368 regards the terrorist attacks which took place on September 11 in the US as a threat to international peace and security...’, and that this and other UN resolutions call on Japan, ‘to contribute actively and on its own initiatives to the efforts of the international community for the prevention and eradication of international terrorism, thereby ensuring the peace and security of the international community including Japan.’⁴⁹ In addition, each reference to Japanese support for US forces is complemented with the phrase that this support is also to be provided to other concerned states, thereby throwing the emphasis of Japan’s actions away from the US-Japan relationship..

Passage of the law through the Diet

The next step for Japan’s policy-makers having decided the necessary contents and legitimisation for the anti-terrorism law was to frame it in Diet bill form and ensure its passage past the Kōmeitō and opposition parties. The JDA’s argument that the *Shūhen Jitaihō* could form the basis for SDF despatch was proved partially correct in that, even though an alternative law was devised by the GOJ, the earlier law served as the blueprint for the framing of controversial security legislation. As noted above, the *Shūhen Jitaihō* had already established a variety of functional areas in which Japan could provide logistical support for the US, and these precedents were also applied with relative ease to the anti-terrorism law. GOJ policy-makers were also aware, based on the experience of the disastrous experience of the UN Peace Cooperation Corps Bill in 1990, when under-prepared government spokesmen were humiliated in Diet debates, that their best chance to pilot the bill through would be to utilise JDA Director General Nakatani to respond to opposition questions rather than the capricious Minister of Foreign Affairs Tanaka Makiko. Hence, Koizumi took effective charge of policy formulation and, much to the chagrin of his supposedly *kanban daijin*, effectively excluded Tanaka from policy discussions and Diet debates on the anti-terrorism law.⁵⁰

⁴⁹ *Anti-Terrorism Special Measures Law*, http://www.kantei.go.jp/foreign/policy/2001/anti-terrorism/1029terohougaiyou_e.html.

Nevertheless, the GOJ and LDP faced considerable potential opposition from the Kōmeitō and main opposition Democratic Party of Japan (DPJ) with regard to certain components of the bill, if not with regard to the entire bill in the case of the Liberal Party (LP), Social Democratic Party of Japan (SDPJ) and Japan Communist Party (JCP). The support of the Kōmeitō was essential to ensure the passage of the bill in the House of Representatives and especially in the House of Councillors where the LDP lacked an overall majority. Kōmeitō's doveish instincts, but also its desire to stay in the coalition government meant, that it could be persuaded to fall into line with the LDP if the necessary concessions were made. Hence, the LDP conceded to the Kōmeitō demand that a clause be inserted into bill limiting the life of the anti-terrorism law to a two year period only renewable for a further two years by the formulation of a separate law, and the Kōmeitō was also influential in persuading the LDP to drop the transport and supply of arms from the bill.⁵¹ Moreover, the Kōmeitō at the stage of Diet committee deliberation on the bill on 9 September demanded from the GOJ that it insert into the bill a previously absent article (to become Article 5) that insisted on Diet approval of the Basic Plan which was mandated under the law and would set out the details of the form of SDF despatch.⁵²

The LDP faced a tougher task in attempting to persuade the DPJ to demonstrate solidarity with the government and to vote in favour of the bill. DPJ leader Hatoyama Yukio found himself an awkward position sandwiched between the different wings of his centrist party. Hatoyama clearly wanted to break with the image of the SDPJ as the main former opposition party which had gained itself a reputation as the 'oppose everything party' (*nandemo hantai*), especially on security issues, and wanted to put forward a consistent platform on security that would enable his party to be as a serious contender to replace the LDP in government.⁵³ Hatoyama's position was also supported by a range of DPJ Diet members, drawn originally from the LDP or newly elected since the breakdown of the 1955 system, that wanted to see a more proactive Japanese stance on security. Hatoyama himself and these members, although not as closely wedded to the US-Japan alliance as their LDP counterparts, were certainly in sympathy with the need for Japan to respond to the threat of September 11 by SDF despatch in support of the US and international community. At the same, time, though Hatoyama had to respond to the other wing of his party drawn predominantly from ex-SDPJ members which were opposed to SDF despatch. The result of these differing perspectives on Japan's

⁵⁰ *Asahi Shimbun*, 29 September 2001, p. 2.

⁵¹ *Asahi Shimbun*, 2 October 2001, p. 1.

⁵² *Asahi Shimbun*, 10 October 2001, p. 4.

⁵³ *Asahi Shimbun*, 13 October 2001, p. 4.

contribution was a policy split in the DPJ, which Hatoyama could only attempt to resolve by taking a compromise position on the anti-terrorism bill. After considerable deliberation, Hatoyama put forward what he hoped would be the DPJ's unified position that insisted upon there being prior approval by the Diet for the Basic Plan for SDF despatch; that there be no loosening of restrictions on the use of weapons by the SDF; that there should be no transport and supply of arms; and that the anti-terrorism law should expire after one year (later changed to two years after consultations with the Kōmeitō and LDP).⁵⁴

The LDP anticipated and responded to the DPJ's position by both trying to split it and cooptation. The first tactic considered by the LDP was to propose through back channels that the DPJ in conjunction with the other main parties might itself consider submitting a bill in order to provide an image of Japanese unity in response to the September 11 attacks, to help push the measures through the Diet, and to help counterbalance the possible veto influence of the Kōmeitō over LDP activities.⁵⁵ In the end, the GOJ and LDP decided instead the DPJ's resistance to the stretching of constitutional interpretations was likely to make this impractical, and it was decided to submit it as a Cabinet bill. The LDP also made moves to placate the DPJ by appointing former LDP Secretary General Katō Kōichi, known to have close connections with many of the younger DPJ members, as the chairman on the Diet committee to deliberate on the bills. Finally, the LDP also demonstrated some willingness to make concessions to the DPJ on the contents of the bill. The LDP was motivated to drop the measure for the transport of arms to satisfy both the Kōmeitō and DPJ; and in the final stages of the deliberation of the bill seemed prepared to not only insert a clause for Diet approval of the Basic Plan for SDF despatch as argued for by the Kōmeitō, but also make this approval prior rather than after despatch as the LDP originally conceived.

In the end, though, Hatoyama proved unable to carry his party with him on the issue of the anti-terrorism law. Hatoyama's close discussions with Koizumi on the issue of prior Diet approval failed on 15 September. The DPJ was thus left to vote against the bill for the anti-terrorism law alongside the three other opposition parties. The SDPJ opposed the bill on the grounds that it constituted an act of collective self defence and that the terrorist acts were not acts of war but heinous crimes that required alternative responses justified by true international action. The JCP criticised SDF despatch under the bill as the use of force and a contravention of Article 9 of the Constitution, and the entire action against terrorism as a war

⁵⁴ *Asahi Shimbun*, 2 October 2001, p. 1.

⁵⁵ *Asahi Shimbun*, 24 September 2001, p.1; *Asahi Shimbun*, 1 October 2001, p. 2.

of revenge with no justification in international law. Ozawa Ichirō's LP followed its usual line of opposition, Ozawa himself boycotting cross-party talks with Koizumi, arguing that the bill was in *de facto* terms the use of force and collective self defence and that the government should come clean on this and avoid further deceptions in its interpretations of Article 9.

Japan's measures in the war against terrorism

The anti-terrorism law and the revisions to the SDF Law to allow the guarding of US facilities in Japan duly passed the House of Representatives on 16 October. Following this, Koizumi was then able to travel to the Asia-Pacific Economic Cooperation (APEC) summit in Shanghai and to demonstrate to President Bush and the international community that it was proceeding towards the fulfillment of its pledge for SDF despatch. Following, the passage of the law through the House of Councillors, GOJ efforts then switched to designing the Basic Law and the exact form of SDF despatch. As noted in the introduction to this paper, the MSDF despatched its first flotilla to the Indian Ocean before the Basic Plan was decided and using the justification of 'information gathering' under the Defence Agency Establishment Law. This MSDF despatch and the two subsequent flotillas were later justified under the Basic Plan and then received Diet approval within the twenty day period following the announcement of the plan. The JDA and MSDF were indeed provided with the major Japanese contribution to the campaign against terrorism, but were ultimately denied their wish for Aegis despatch for the reasons listed above, although the GOJ officially refused to rule out the role of Aegis destroyers in the future. MOFA also lost out on Aegis despatch (a decision which was said to have 'appalled' sections of the ministry) but received most of its wish list in the anti-terrorism law.⁵⁶ In particular it secured the provisions for SDF activities on the ground. Although in the end these missions were not carried out, the Pakistan situation being deemed as too risky and the lack of US casualties arguing against the necessity of GSDF operations.

In the meantime, whilst the GOJ was devising the military aspects of its response to September 11, it also devoted considerable policy energy to diplomatic and economic measures against terrorism. On 19 September, Koizumi sent letters to the leaders of Egypt, Iran, Saudi Arabia and Qatar (states with which Japan has traditionally cultivated close relations since the Oil Shocks of the 1970s), urging them to support the international effort against terrorism. Senior Vice-Minister for Foreign Affairs Sugiura Seiken visited Pakistan

⁵⁶ Interview with Director level official, National Security Policy Division, Foreign Policy Bureau, MOFA, Tokyo, 29 March 2002.

on 25-26 September and handed a letter from Koizumi conveying Japan's support for Pakistani efforts against terrorism. The GOJ also sent former foreign minister Kōmura Masahiko as a special envoy to Saudi Arabia and Iran from 30 September to 5 October; and former prime minister Hashimoto Ryūtarō to Egypt and the United Arab Emirates (UAE), and for discussions with the Secretary General of the Arab League of States and Yasser Arafat of the Palestine Liberation Organisation (PLO) from 7-12 October. Muneo Suzuki, due to his close (later to become the subject of scandal) connections with the Central Asian republics, was selected as a special envoy to Uzbekistan and Tajikistan from 6-9 October. Former prime minister Mori Yoshirō was appointed as special envoy to India and Pakistan (Koizumi and his advisers again deliberately acquiescing in the exclusion of Foreign Minister Tanaka from this diplomacy) from 28 to 31 October; and the Pakistani finance minister visited Japan as a special envoy of his president from 31 October to 3 November.⁵⁷

On the economic front, Japan, in line with the promises of its Basic Policy and UN Resolutions 1267 and 1333, also took measures on 22 September and 26 October to freeze the assets and restrict the money flows of a total of one hundred and eighty eight individuals and groups related to the Taliban. On 22 September and then on 16 November, the GOJ decided to provide a total of US\$300 million of bilateral assistance to Pakistan over the following two years for education, health and poverty reduction. The GOJ on October 26 also discontinued its limited sanctions on India and Pakistan which had included the suspension of grant aid and yen loans, and which had been imposed since May 1998 in response to their nuclear testing activities. Japan's 'assistance to countries surrounding Afghanistan' also took the form of a total of US\$18 million to Tajikistan and Uzbekistan. In addition to the emergency humanitarian assistance transported by the ASDF and MSDF to Pakistan, as of February 2002 the GOJ has provided a total of US\$102 million via the UN and other agencies to Afghan refugees and a pool of ¥580 million to Japanese non-governmental organisations (NGO) for refugee assistance. This Japanese activity then culminated in its recognition on 22 December of the Interim Authority as the legitimate government of Afghanistan, and the hosting in Tokyo of the International Conference on Reconstruction Assistance to Afghanistan on 21-22 January 2002.⁵⁸ Japan at the conference pledged up to US\$500 million for rebuilding the government and physical infrastructure of the country, and the conference itself raised a total of US\$4.5 billion.

⁵⁷ Yachi Shōtarō, '9.11 tero kōgeki to Nihon no taiō', *Kokusai Mondai*, No. 503, February 2002, p. 15.

Explaining the speed of Japan's response to September 11

The speed and substance of Japan's response to the terrorist attacks indicates a number of potentially major changes in its security policy which are evaluated in this and the next section. The astonishing speed of the GOJ response and passage of the anti-terrorism law through the Diet, relative to its past track record in other international and regional crises, can be accounted for by a combination of general trends in the policy-making environment conducive to security legislation, as well as accumulated experience and skilful leadership in the Diet in exploiting this policy environment to the GOJ's advantage.

The changing role of 'gaiatsu'

In regard to the general environment for policy-making, the initial temptation from all sides in Japan and overseas engaged in the debate on Japanese security might be to ascribe the rapid passing of the anti-terrorism law and despatch of the SDF simply to the role of *gaiatsu* and a GOJ desire to satisfy US expectations. Earlier sections of this paper have indeed made clear that GOJ policy-makers were fearful that there should be no repeat of the 'Gulf War syndrome' and that Japan should be seen to assist the international community with a human contribution—the international community and human contribution instantly synonymous for many with the US as Japan's ally and SDF despatch respectively. Japanese policy-makers were certainly vocal in stating that September 11 had posed a 'final test' for US-Japan cooperation, which, if Japan were to be seen to fail, could have cross-over effects for their security cooperation in the bilateral context of the US-Japan security treaty and lead to the collapse of the alliance. Moreover, GOJ policy-makers and Japanese media were also quick to focus on the alleged calls from Under-Secretary of State Armitage for Japan to 'show the flag', again interpreted in Japan itself as meaning SDF despatch. Hence, there can be no doubt that Japan's policy-makers were aware of the potential importance of *gaiatsu* from the US, and wished to demonstrate that, in terms of President Bush's categorisation of states as either with or against the US in the war on terrorism, Japan was firmly in the US camp.

Nevertheless, although presumed US expectations and the experience of the Gulf War certainly exercised the minds of Japanese policy-makers in the design of the anti-terrorism law, the connection between the functioning of *gaiatsu* and Japan's '*Hi No Maru gaikō*' was arguably functioning in a more complex manner than a decade previously. On the US side, the Japan experts in the Bush administration appear to have been far more wily than their

⁵⁸ Ministry of Foreign Affairs of Japan, *Campaign Against Terrorism: Japan's Measures*, <http://www.mofa.go.jp/region/n-america/us/terro0109/policy/campaign.html#1>.

predecessors (or even their first incarnation, certain figures having served before in government) during the Gulf War. Armitage was careful not to present a public or specific list of demands to GOJ officials, and in media interviews given after his original 15 September meeting with Ambassador Yanai would reveal only that he had expressed the hope that Japan would engage as ‘fully as possible’ in the struggle against terrorism, including the possibility of logistical support for US forces and the reconstruction of post-conflict Afghanistan.⁵⁹ The exact contents of Armitage’s requests for Japanese assistance is unlikely to be known over the short to medium. Indeed, there have even been expressed skepticism that the US made any requests at all to the GOJ, doubtful that Japan could respond effectively at the operational level to make it worth the US’s while, and content instead with the provision of bases for the despatch of the *Kitty Hawk* and maintenance of the supply lines from the US Pacific Coast to Okinawa and Diego Garcia (The disregard for Japan’s contribution amongst some sectors of the US government was possibly shown by its embarrassing omission from the list of states that had supported the campaign and issued by the Department of Defence in late February 2002, and which caused considerable irritation in Japanese policy-making circles).⁶⁰ Armitage, however, aware of the deleterious impact of the Gulf War on bilateral relations, may have been wise in not seeking to make a list of demands. Instead, the US merely by indicating its hopes for support placed the onus on Japan to respond under its own initiative, and thus was possibly able to precipitate a greater Japanese contribution than through active *gaiatsu* and the presentation of a list of demands, which may only have worked to undermine the formation any domestic Japanese consensus on the necessary response to September 11. Meanwhile, it may have actually been the GOJ side which applied the greatest *gaiatsu* for framing Japan’s response. Studies of Japanese foreign policy have demonstrated how *gaiatsu* generated in and directed from US has often been deliberately manipulated by GOJ policy-makers in order to create *naiatsu* (internal pressure) and to realise their agendas.⁶¹ In the case of the anti-terrorism bill, though, it looks as if GOJ policy-makers not only manipulated *gaiatsu* for their own purposes, but also deliberately generated it themselves. The suspicion is that Yanai may have leaked the contents of his meeting and the ‘fly the flag’ expression in order to enhance Japanese expectations of likely US demands for support so as to mobilise domestic opinion behind SDF despatch. Similarly, Koizumi’s international pledge to despatch the SDF was made in the bilateral context of his

⁵⁹ *Asahi Shimbun*, 6 October 2001, p. 1.

⁶⁰ The *USS Kitty Hawk*, home-ported in Japan, served a vital role in the Afghan campaign, reconfigured as it was to carry one thousand special operations soldiers and their aviation equipment. International Institute for Strategic Studies, *Strategic Survey 2001/2002*, Oxford, Oxford University Press, 2002, p. 235.

meeting with President Bush on 25 September, which effectively nailed the colours of the MSDF and *Hinomaru* flag to the mast of US-Japan cooperation and the need to the need to head off anticipated US *gaiatsu*.⁶²

Public support and the shifting policy structure

Hence, US-centred *gaiatsu*, even if in a more sophisticated, indirect, and partly Japan-generated form, was very much functioning post-September 11, but it also clear that it could only prove influential in the domestic debate on security policy because it worked in combination with and amplified existing Japanese sentiment which reviled the terrorist attacks on the US and advocated a greater role for Japan to contribute to the stability of international society. The opinion polls taken in reaction to the debates on September 11 indicated generally widespread support for the despatch of the SDF to provide logistical support for the US and other states.⁶³ In part these polls reflected the public concern for Japan to be seen to support its US ally, but also genuine concerns about the new dangers of international terrorism, as demonstrated by Japan's own experience of the Aum Shinrikyō sarin gas attacks on the Tokyo subway in 1995, and more widely the shifting sentiment in Japan over the past decade towards a more active stance on security.⁶⁴ As noted later on, the persistence of anti-militaristic norms in Japan should not be underestimated, as well as some Japanese skepticism over the ways in which the US had created many of the problems of September 11 for itself through its own unilateralist foreign policy.⁶⁵ But at the same time, there was undoubtedly a strong public perception in Japan that September 11 was not just a US problem but also one for Japan as a member of the international community, and that Japan should respond not merely to satisfy the US but also to fulfil its international

⁶¹ Kent E. Calder, 'Japanese foreign economic policy formation: explaining the reactive state', *World Politics*, vol. 40., no. 4, pp. 517-41; Leonard Schoppa, 'Two level games and bargaining outcomes: why *gaiatsu* succeeds in Japan in some cases but not others', *International Organization*, vol. 47, no. 3, Summer 1993, pp. 353-86.

⁶² The suspicion is also that the MSDF itself may have attempted to generate *gaiatsu* in order to facilitate the despatch of an Aegis destroyer in April 2002. According to media reports in the same month, MSDF officials directly lobbied their US Navy counterparts in Japan that they should request the GOJ to despatch an Aegis. *Asahi Shimbun*, 7 May 2002, <http://www.asahi.com/english/politics/K2002050600151.html>.

⁶³ For instance, a *Mainichi Shimbun* opinion survey taken on 24 September reported that 63 per cent of respondents were in favour of Japan despatching the SDF to support the US campaign against terror. In terms of the actual contents of this support provided by the SDF, 56 per cent favoured non-military support in the form of medical and humanitarian aid for refugees, 26 per cent favoured food and transport logistical support for US forces, 6 per cent favoured the supply of weapons and ammunition, and 4 per cent Japan's actual participation in combat. *Mainichi Shimbun*, 25 September 2001, <http://www.mainichi.co.jp/news/selection/archive/200109/25/20010926k0000m010069000c.html>.

⁶⁴ For an analysis of the impact of the sarin attack on Japanese security, see Christopher W. Hughes, 'Japan's Aum Shinrikyō, the changing nature of terrorism, and the post-Cold War security agenda', *Pacifica Review: Peace, Security and Global Change*, vol. 10, no. 1, pp. 39-60.

⁶⁵ On the role of norms in shaping Japanese security policy, see Peter J. Katzenstein, *Cultural Norms and National Security: Police and Military in Postwar Japan*, Ithaca, New York: Cornell University Press, 1996;

responsibilities through a human contribution and SDF despatch.⁶⁶ Hence, the starting point for the public debate on Japan's security contribution in the wake of September 11 differed greatly from that of the Gulf War, when the exact need and form of contribution was still the subject of intense controversy, and this accounted for the public acceptance and speed of passage of the bill in 2001.

In turn, the general public's willingness to accept SDF despatch was reflective of the general shift in the stance of Japanese political parties on security matters within the Diet which also served to facilitate the rapid passage of the anti-terrorism law. The major difference in the domestic political situation from the time of the Gulf War was obviously the SDPJ's demise as the leading opposition party, and its replacement by the centre-left DPJ much more disposed to SDF despatch. But even though, as seen above and in the next section below, the LDP was at pains to attempt to enlist the DPJ's support for, or to neutralise its opposition against the anti-terrorism bill, in the end the principal party political check on GOJ measures was the governing LDP's own Kōmeitō coalition partner.

As well as the functioning of *gaiastu*, general public support, and the underlying changes in the party political structure in Japan, the relative speed and decisiveness of SDF despatch was also facilitated by Koizumi's own popular standing as Prime Minister. Koizumi from March to October 2001 was fortunate to enjoy record high approval rating for his Cabinet on average of 70 per cent and above. Further easing the despatch of the SDF was the generally muted level of opposition in East Asia. China and South Korea urged the utmost Japanese caution in seeking to despatch the SDF, but avoided strong or overt criticism. China, in particular, seems to have been conscious of its own interests in sanctioning the efforts of the US and others to suppress radical Islamic terrorism that could destabilise its western borders, and of the need to avoid any repeat of its harsh rhetoric against Japan at the time of the revision of the US-Japan Defence Guidelines, which only succeeded in driving Japan further into the arms of the US. Hence, on the occasion of Koizumi's visit Beijing on 8-9 October, President Jiang Zemin and Prime Minister Zhu Rongji both urged Japan to exercise 'prudence' in expanding the range of SDF activities, but still acknowledged that it was 'easy to understand' Japan's desire to support the US logistically.⁶⁷ Koizumi was also careful to explain Japan's intentions about SDF despatch in talks with President Kim Dae Jung in Seoul

and Thoma U. Berger, *Cultures of Anti-Militarism: National Security in Germany and Japan*, Baltimore, John Hopkins University Press, 1998.

⁶⁶ Interview with leading Japanese scholar, Research Institute for International Peace and Security, Tokyo, 20 March 2002.

on 15 October. Kim agreed to cooperate with Koizumi to combat terrorism, whilst stressing his hopes that SDF despatch would remain ‘within the bounds of the Constitution’.⁶⁸

Security legislation expertise

In regard to the actual piloting of the anti-terrorism law through the Diet, this was facilitated by the range of experience available to the GOJ in devising security policy legislation. Koizumi clearly had at his disposal a comparatively well-organised team to direct GOJ and LDP efforts. The establishment of the Cabinet Secretariat since January 2001 as part of the GOJ’s administrative reform programme seems to have succeeded in its objective of streamlining and improving the coordination amongst the Prime Minister’s advisers and ministries in order to respond in a more timely manner to crisis situations.⁶⁹ The removal of three policy offices of Internal Affairs, External Affairs and National Security and their replacement with the three Assistant Chief Cabinet Secretaries with no set jurisdictions enhanced cooperation, and the incumbents of these offices were clearly possessed with considerable policy knowledge. Furukawa as an ex-administrative vice-minister of the Ministry of Health, Labour and Welfare was one of the best connected bureaucrats in Nagatachō and Kasamigaseki, the centres of Japanese politics and bureaucracy. Abe was highly experienced in security affairs, and also seems to have felt personally charged—mindful of his personal background as the grandson of Prime Minister Kishi Nobusuke, the architect of the revision of the US-Japan security treaty in 1960, the process of which provoked mass protests and brought about his cabinet’s downfall—to steer Japan towards a more active security role, but also to do this in the best prepared manner in order to avoid the slips ups of previous LDP administration’s. Abe’s more hawkish sympathies may have clashed with the more doveish inclinations of Fukuda, arguably the most powerful figure in the Koizumi administration, and especially over the issue of Aegis despatch. Nonetheless, on the whole, the close-knit nature of cooperation in the Prime Minister’s office made for improved policy coordination amongst the key ministries and the LDP in devising the legislation for submitting to the Diet. In the Diet itself, the experience of drafting the Guidelines clearly assisted LDP policy-makers, and they employed careful tactics to deal with the opposition parties. Yamazaki as a known expert on security affairs performed a useful role in drafting the legislation within the LDP using the blueprint of the Guidelines; Katō’s appointment as chair of the Diet committee enabled some coordination with the DPJ;

⁶⁷ *The Japan Times*, 9 October 2001, <http://www.japantimes.co.jp/cgi-bin/getarticle.pl5?nn20011009a1.htm>.

⁶⁸ *The Japan Times*, 16 October 2001, <http://www.japantimes.co.jp/cgi-bin/getarticle.pl5?nn20011016a1.htm>

⁶⁹ Prime Minister’s Office, *Central Government Reform of Japan*, January 2001, http://www.kantei.go.jp/foreign/central_government/frame.html.

and the GOJ was highly wary of allowing Foreign Minister Tanaka to answer opposition questions for fear that she would simply implode in debates and undermine the government's carefully prepared legitimisations for the bill. In sum, GOJ policy-makers had created for themselves a policy environment and a heightened degree of expertise that enabled them to speed the bill through with minimal opposition.

The anti-terrorism law and the future trajectory of Japan's security policy

The anti-terrorism law undoubtedly provides a new context for the GOJ to despatch the SDF overseas that differs from the US-Japan Guidelines and from the International Peace Cooperation Law, and in this context there has also been an undoubted expansion of SDF activities in terms of geographical and functional scope. In contrast to the Guidelines, the anti-terrorism law, although it designates limitations upon the geographical range of SDF logistical operations in support of the US and other states, at the same time provides one form of legal framework which expands the SDF's geographical scope far beyond that laid down in the context of the *Shūhen Jitaihō*. Moreover, the anti-terrorism law also provides for SDF missions on the land territory of the states included within its geographical scope, another contrast from the Guidelines. Furthermore, the law loosened the restrictions on the use of weapons by the SDF to the protection of not only its own personnel but also refugees and casualties under its command, again something that the Guidelines and UN PKO Law had not allowed for.

The question that has been posed by commentators is whether this GOJ response to September 11 and the resulting provisions for SDF despatch under the anti-terrorism law heralds the overall future of Japanese security policy. The debate revolves around the issues of whether the precedent of SDF despatch could be transferable to other contexts, and particularly that of the US-Japan security treaty and Guidelines in dealing with different regional contingencies; whether Japan's actions represent an acceleration of the incremental pattern of the expansion of its security role, or, indeed a massive incremental leap in this expansion that may open the floodgates to Japan's breaching of past constitutional prohibitions on the exercise of military force independently, bilaterally and multilaterally; and whether Japan has now consolidated the shift of the emphasis of its security policy from economic to military means.

Japan's steady incrementalism confirmed?

The despatch of the SDF to the Indian Ocean certainly purveys the image of a radical shift in Japanese security policy, but there is also considerable evidence to suggest that it may not such a notable departure from past patterns of incrementalism. It is important to point out that Japan's response was provoked by a possibly unique confluence of factors that succeeded in pushing policy forward in unprecedented speed and directions, including: the perceived magnitude of the September 11 crisis and US expectations for unequivocal support from its allies; the general sanction given to international (if not specific US) efforts against terrorism; and the extraordinary popularity of Koizumi (a factor which is already declining in strength following the dismissal of Foreign Minister Tanaka on 29 March 2002) which promised to carry all before it to break potential immobilism in security policy-making.⁷⁰ In addition, GOJ policy-makers, and especially the *genrō* old-guard of the LDP, continue to adhere to traditional constitutional and normative restrictions on the despatch of the SDF, to the point of denying the MSDF necessary assets such as Aegis destroyers which could ensure its operational; and are careful not to commit Japan to military operations in one context which will necessarily lead to their commitment in another. In particular, they retain their usual wariness in seeking to avoid entrapment in US military strategy in other regional contingencies and resultant alliance dilemmas. Hence, as noted above, GOJ policy-makers were ultra-cautious in designing the anti-terrorism law in such a way as to uphold the interpretation of Article 9 as prohibiting the exercise of the collective self-defence, and to avoid the blatant transgression of elite and public norms of anti-militarism. Similarly, the GOJ was keen to stress that the anti-terrorism law and SDF actions in support of the US were predicated upon UN resolutions. In this way, the GOJ has been able to retain a degree of strategic ambiguity with regard to the actual degree of its commitment in support of its US ally. MOFA policy-makers point out that, even though the anti-terrorism law could possibly be stretched in interpretation to cover further regional contingencies in the US war on terrorism, they would still find themselves able to refuse cooperation in an attack on Iraq if the US were unable to produce firm evidence of its regime's involvement in terrorism and to produce a UN resolution in favour of military action—something that looked unlikely given the reluctant disposition of the other major powers on the UNSC.⁷¹ GOJ actions here were very much in line with the past precedent of the *Shūhen Jitaihō*, which also built in ambiguity with regard to Japanese cooperation for the US by emphasising that the scope of the

⁷⁰ For the concept of immobilism in Japanese policy-making, see J. A. A. Stockwin., 'Dynamic and immobilist aspects of Japanese politics', in J. A. A. Stockwin, Alan Rix, Aurelia George, James Horne, Daichi Itō, and Martin Collick, *Dynamic and Immobilist Politics in Japan*, London, Macmillan, 1988, pp. 1-21.

Guidelines was functional and not geographical in nature, and thereby also refusing to rule in or out Japan's military support in regional contingencies such as the Taiwan Straits.⁷² Finally, Japan's policy-makers also established a brake on future military cooperation in the campaign against terrorism with the affixing of a two year limit on the life of the law itself.

Added to this, it is also not case that Japan's entire attention in devising a response to September 11 was devoted to military options to the neglect of past patterns of security policy based on economic power.⁷³ MOFA's interest in dealing with the immediate humanitarian problems of the war in Afghanistan, as well as addressing the root causes of terrorism related to the economic failings of the Afghan and surrounding states, was demonstrated by its provision of aid bilaterally and Tokyo's hosting of the conference for the country's reconstruction. Japan's extension of economic assistance clearly complemented the US's overall strategy of seeking to stabilise friendly states around the region of Afghanistan, and in this sense was something of a repeat of Japanese assistance provided to Pakistan as a 'country bordering on the area of conflict' to support US Cold War strategy during the Soviet Union's occupation of Afghanistan in the 1980s.⁷⁴ Armitage also expressed his hopes that Japan would make a major contribution to Afghan reconstruction through activities such as landmine clearance.⁷⁵ Nonetheless, more than just another US exercise in burden sharing (or indeed burden shifting, given initial Bush administration reluctance to engage in 'nation-building' in Afghanistan), Japan's use of economic power was also clearly in line with its own long held articulation of comprehensive notions of security and self-description as a civilian power. Japan also attempted to make a distinct diplomatic contribution to addressing instability in the Middle East. The fear of many commentators was that Japan's support for the US in the campaign against terrorism would undermine its role as relatively neutral interlocutor with the Arab and Gulf States; a position carefully built up since the early 1970s and provided to it by its status as the only non-Christian major power. However, during the run-up to the Afghan conflict, the Koizumi administration did engage in very energetic

⁷¹ Interview with Director level official, National Security Policy Division, Foreign Policy Bureau, MOFA, 29 March 2002.

⁷² On the deliberate ambiguity built into the Guidelines, see Peter J. Katzenstein and Nobuo Okawara, 'Japan, Asian-Pacific Security, and the case for analytical eclecticism', *International Security*, vol. 26, no. 3 Winter 2001/2002, pp. 171-72; Sheila A. Smith, 'The evolution of military cooperation in the US-Japan alliance', in Michael J. Green and Patrick M. Cronin, *The US-Japan Alliance: Past, Present and Future*, New York, A Council on Foreign Relations Book, 1999, pp. 86-87.

⁷³ For an examination of Japan's conceptions of economic power and comprehensive security, see Christopher W. Hughes, *Japan's Economic Power and Security: Japan and North Korea*, London, Routledge, 1999, pp. 12-25.

⁷⁴ Glenn D. Hook, Julie Gilson, Christopher W. Hughes, Hugo Dobson, *Japan's International Relations: Politics, Economics and Security*, London, Routledge, 2001, p. 210.

⁷⁵ *Asahi Shimbun Yūkan*, 6 October 2001, p. 1

diplomacy with the states of the region, and since the collapse of the Taliban and the US designation of potentially new targets in its war on terrorism in early 2002, has sought to obviate conflict in the Middle East by sending new Foreign Minister Kawaguchi Yoriko to Iran in April of the same year.

New horizons for US-Japan security cooperation?

The above analysis suggests that GOJ policy-makers continue to prefer a cautious and incremental approach to the despatch of the SDF, and that there is no guarantee that Japan will be prepared to support the US beyond the campaign in Afghanistan. Japan is thus still far from becoming the 'Britain of the Far East', and those policy-makers and commentators that have argued that Japan is moving towards assuming, such a position have misread the intentions of its policy-makers. Hence, the future scenarios outlined in 1997 by the (then to become and now former) Senior Director for Asian Affairs of the National Security Council (NSC), Torkel Patterson, concerned with Japan increasing its operability with the US for operations close to the Persian Gulf and involving Aegis despatch have proved prescient but as yet only half realised.⁷⁶ Nevertheless, it appears that the such current and ex-Japan-handlers in the Bush administration understand the GOJ stance relatively well, and there is only a minor risk of a perception gap between both sides over the degree of support that the US can expect from its ally in this context.

Still, it is also arguable that, whilst the Bush administration will be conscious of the international and domestic restraints on Japan and will exercise considerable patience, the US side will inevitably seek to press its ally to provide ever greater levels of support in the context of the campaign against terrorism and in the context of the US-Japan alliance. These calls for Japanese support may come to some degree from the Japan experts in the administration, but may also come with greater vigour from the other elements of the US defence community less appreciative of Japan's policy-making difficulties. They are derived from the fact that both of these strains of policy thought have subscribed since the formulation of the 'Nye-Armitage' report in October 2002 to the position that Japan should indeed be encouraged undertake a greater military security role in cooperation with the US based on the model of the UK-US alliance.⁷⁷ In turn, US opinion has undoubtedly been encouraged by the anti-terrorism law which has revealed the extent of the possibilities for

⁷⁶ Torkel Patterson, 'Future roles and missions of Japan's Self-Defense Forces', in Ralph A. Cossa (ed.) *Restructuring the US-Japan Alliance: Towards a More Equal Partnership*, Washington D. C. , The CSIS Press, 1997, pp. 133-37.

Japan to provide support for the US military given sufficient political will. Hence, taking their cue from the experience of the anti-terrorism law, and also encouraged by those elements in Japan seeking to strengthen the alliance relationship, it appears that the US defence community has already begun to seek additional forms of cooperation from Japan. For example, in mid-April 2002 at a US-Japan working level meeting on foreign and security affairs the US side was believed to have asked Japan to deploy Aegis destroyers and P3-C anti-submarine aircraft to the Arabian Sea to substitute for US forces that might be moved to the Persian Gulf for an attack on Iraq. Japanese officials reportedly resisted this request as they required evidence that US activities would be targeted against al-Qaeda.⁷⁸ Deputy Secretary of Defence Paul Wolfowitz was then reported to have formally requested the despatch of these MSDF assets in a meeting on 29 April with the secretary generals of the governing coalition parties, including Yamasaki Taku.⁷⁹ The US request was again, however, turned down for the same reasons of Japanese concerns about the exercise of collective self-defence.

Therefore, it is apparent that Japan, having established the precedent of the expansion of the geographical and functional scope of military cooperation with the US in the Afgahn context, may find it progressively tougher politically to turn down future requests from the US in the campaign against terrorism in other theatres. In turn, the GOJ of Japan may also find it politically hard to sustain the US-Japan alliance whilst simultaneously placing different, and, possibly seen from the US perspective, artificial restrictions on the support that it can provide to the US in the Afghan conflict under the anti-terrorism law and a regional contingency under the *Shūhen Jitaihō*. If another regional crisis were to occur in East Asia, the inevitable reaction of US and GOJ policy-makers, the latter's inherent caution notwithstanding, might be to overtly transfer the principles and expertise acquired in drafting the anti-terrorism bill to the bilateral context of the US-Japan alliance and the *Shūhen Jitaihō*. In this instance, the geographical range of the US-Japan Guidelines for Defence Cooperation could be greatly, or even expanded limitlessly if the situation demands; the SDF might be able to operate in support of the US on land; and its use of weapons loosened for the protection of its own members and US servicemen 'under its control'—all measures sure to generate intense controversy, if not apprehension, amongst regional neighbours.

⁷⁷ *INSS Special Report. The United States and Japan: Advancing Toward a Mature Partnership*, Institute for National Strategic Studies, National Defense University, 11 October 2000, p. 3-4.

⁷⁸ *Asahi Shimbun*, 20 April 2002, <http://www.asahi.com/english/international/K2002042000252.html>.

⁷⁹ *Asahi Shimbun*, 1 May 2002, <http://www.asahi.com/english/national/K2002050100420.html>.

Conclusion: prospects for individual, bilateral and multilateral Japanese security policy

Japan's support for the US and international community in the campaign against terrorism has indeed produced mixed signals about the future direction of its security policy. This paper concurs with the views of many Japanese and foreign observers that Japan's support in the context of the Afghan conflict need not necessarily lead to the GOJ seeking to commit the SDF to further anti-terrorist actions in support of the US, especially in a scenario involving Iraq. September 11 represented a possibly unique confluence of policy-makers factors in favour of rapid SDF despatch; GOJ policy-makers continue to adhere to varying degrees to constitutional and normative restrictions on Japan's exercise of military force in the service of its security policy, and to retain the option not to provide Japanese support to the US in an expanded anti-terrorism campaign or in the bilateral context of the US-Japan alliance; and Japan has contributed in many important ways as a civilian power to the reconstruction of Afghanistan.

However, whilst GOJ policy-makers may be able to hold this traditional incrementalist line over the short term, this paper has also sought to argue that this position may decline in relevance over the medium and longer terms. The evidence from the speed and substance of Japan's reaction to September 11 suggests that important and potentially radical trends have been set in train in its military security policy. As noted above, over the medium term, the principal trend in Japanese security policy may be for enhanced US and Japanese pressure for the transfer of the provisions of the anti-terrorism law to the *Shūhen Jitaihō*. But the strengthening of bilateral security ties in the form of the US-Japan alliance is just one of the trends that may occur in Japanese security policy as a result of September 11. For it is clear, that whatever the exact outcome of Japan's actions over the short and medium terms for the US-Japan alliance, over the longer term the principal effect of participation in the campaign against terrorism has been to indicate to and create for its policy-makers a freer environment than ever before to shape security policy in not just the bilateral but also the individual and multilateral domains.

The shifting policy structure and military security

Events post-September 11 clearly indicated the fact that the political environment has become increasingly conducive to those policy-makers desiring an expanded Japanese role in military security. The security agenda for the governing and principal opposition parties in the Diet has shifted firmly to acceptance of the necessity of a human contribution to international

crises in the form of SDF despatch. The policy-making structure amongst government and bureaucratic actors also appears to be shifting decisively to strengthen the military component of Japanese security policy. MOFA, the traditional designer of Japanese security policy and guardian of civilian control in delimiting the input of the military, scored a number of successes in the anti-terrorism bill. It managed to retain a major role in overseeing policy, to ensure that Japan was seen to line up closely alongside the US, to secure a provision for the deployment of the SDF on land, and to argue for the deployment of economic as well as military power; and all this despite its partial incapacitation due to internal financial scandals and the sidelining of the Foreign Minister Tanaka. Nonetheless, it also clear that its influence has diminished relative to the rise of the JDA, which has come to equalise its role in designing security policy since the institution in September 1996 of the more balanced formula for the US-Japan Security Consultative Committee (SCC) (the so-called Two-plus-Two) which includes the Japanese Minister of Foreign Affairs and Director General of the JDA alongside their US counterparts.⁸⁰ The process of the revision of the Guidelines further enhanced this JDA role, which was then consolidated with its significant input into the anti-terrorism law. The JDA since 2002 appears to have been emboldened by this experience, and for the first time inserted into its draft *Defence of Japan* white paper the assertion that it desired to be upgraded to full ministerial status.⁸¹ In addition, both MOFA and the JDA are now capable of being superseded by and taking directions from the Prime Minister's Office, provided that the incumbent of the office has sufficient public and political party support. Hence, Japan is now moving towards a policy-making structure that is not only capable of producing speedier decisions, but is also weighted more towards the military aspects of security policy. There can be doubt that the 'normalisers' have now gained the upper hand in designing Japanese security policy.

Collective security realised

The influence of the 'normalisers', and indeed the arch-normaliser himself, Ozawa Ichirō, is also evident in the enhanced legal environment for despatch of the SDF. This article has demonstrated that in the design of the anti-terrorism law, GOJ policy-maker were cautious to avoid breaching in *de jure* terms the constitutional prohibition on the exercise of collective self defence. In *de facto* terms, however, many policy-makers admit privately that Japan was involved in supporting the US to fight a war and Japan's measures despite legal hair-splitting

⁸⁰ Eiichi Katahara, 'Japan: from containment to normalization', in Muthiah Alagappa (ed.) *Coercion and Governance: The Declining Political Role of the Military in Asia*, Stanford, California, Stanford University Press, 2001, p. 82.

⁸¹ *Asahi Shimbun*, 8 May 2002, <http://www.asahi.com/english/politics/K2002050800376.html>.

were, in all but name, acts of collective self-defence. Even more importantly, the circuitous route that GOJ policy-makers took to avoid open accusations of collective self defence whilst providing support for the US may actually prove in the end to be the path towards the exercise of a form of *de jure* collective self defence. The GOJ, in adopting a policy of virtually endorsing collective security to legitimise the anti-terrorism law, has in effect in sidestepped Article 9 of the constitution and is now placing the emphasis on the Preamble. Article 9 could be read as no longer providing a guide for *what Japan should do* to contribute to international security and *how it should do* it, but merely as *how it should do* it in terms of restrictions on the use of force, whilst the legitimisation for *what Japan should do* is now provided by the Preamble. This interpretation based on the Preamble is nearly identical to the concept of ‘collective security’, first proposed by Ozawa Ichirō in the aftermath of the Gulf War and in the LDP Special Study Group on Japan’s Role in International Society, which was meant to free up the restrictions on SDF despatch in support of the international community under the auspices of the UN.⁸² Hence, even though Ozawa has become a hate figure for the remnants of the SDPJ and many of his ex-colleagues in the LDP, the influence of his ideas continues to live on in Japanese security policy-making. The concept of collective security, which has come to near realisation in the anti-terrorism law, now offers GOJ policy-makers the potential ability to interpret the Constitution in a variety of ways to provide the legitimisation for SDF despatch. In this sense, September 11 has certainly brought about a greater latent or potential incremental leap in Japanese security policy than at the time of Gulf War or in the process of the redefinition of the US-Japan alliance, and GOJ policy-makers could, if charged with sufficient political will, stretch the Constitution, if not to breaking point, then at least to the point of allowing for *de facto* collective self defence in certain situations.

The final consequences of the shifting political and legal environments for security policy-making in Japan are still uncertain over the longer term, but it may be possible to divine the impact in certain aspects of individual, bilateral and multilateral policy. Japan’s individual security policy and defence capabilities have been galvanised to some extent by the experience of September 11. The environment engendered by the anti-terrorism bill certainly added political momentum for the passing in December 2001 of revised legislation governing

⁸² Ozawa Ichirō, *Nihon Kaizō Keikaku*, Tokyo, Kōdansha, 1993, pp. 122-25; Glenn D. Hook and Gavan McCormack, *Japan’s Contested Constitution: Documents and Analysis*, London, Routledge, 2001, pp. 39-40; Michael J. Green, *Japan’s Reluctant Realism: Foreign Policy Challenges in an Era of Uncertain Power*, New York, Palgrave, 2001, p. 197; Akihiko Tanaka, ‘The domestic context: Japanese politics and UN peacekeeping’, in Selig. S. Harrison and Masashi. Nishihara (eds.), *UN Peacekeeping: Japanese and American Perspectives*, Washington DC, Carnegie Endowment for International Peace, 1995, p. 95.

the use of force by the JCG in intercepting ships in Japanese territorial waters. The revision of this law was designed to prevent the incursions of so-called North Korean 'spy ships' (*fushinsen*) and had been slated since the first high-clash between the SDF, JCG and two of these ships in March 1999. Although these incursions are probably largely routine, the belief of the GOJ is that they may be engaged in espionage and terrorist activities. Hence, post-September 11 provided the appropriate atmosphere for policy-makers to steer the revised laws through the Diet, receiving even the support of the JCP and SDPJ. Japan moved to further strengthen its intelligence and anti-espionage capabilities after September 11, the LDP sending a team to London on 9 January 2002 to exchange information with UK counterparts; and the GOJ also began the process of preparing three bills to submit to the Diet designed to enable Japan to respond to armed attacks. This emergency legislation had been under research since 1978. However, the GOJ did not feel assured of the military necessity or public support for the legislation until after September 11, and eventually submitted the bills to the Diet in April 2002.

In addition to pushing forward the debate on Japan's individual defence capabilities, the policy-making environment generated by September 11 has inevitably encouraged further bilateral cooperation in the US-Japan alliance context since 2001. Indeed, domestic critics of the emergency legislation view it as less designed to defend Japan itself, and more to enable the SDF to provide a more secure platform for the US to project power from Japan to respond to regional contingencies. Nonetheless, even more intriguing is the impact of September 11 on the multilateral aspects of Japan's security policy, and in particular its engagement in UN operations. Japan's multilateral security role in the UN or regionally has traditionally taken second place to activities in support of its own security via its individual defence capabilities or the US-Japan alliance. September 11, though, could produce interesting advances in Japan's participation in PKO. The immediate effect of September 11 was to generate policy momentum for the unfreezing of limitations placed on SDF activities under the original 1992 International Peace Cooperation Law (monitoring ceasefires, disarming local forces, patrolling demilitarized zones, inspecting the transport of weapons, and collecting and disposing of abandoned weapons) and the use of weapons to bring this in line with the measures of the anti-terrorism law. These revisions were designed to enable SDF despatch to possible PKO operations such as landmine clearance in Afghanistan, and the revisions to the law passed the Diet on December 7 2001. Japan's participation in PKO still remains limited relative to other states, but the experience of September 11 has clearly pushed forward both its bilateral and multilateral security efforts and these may well expand even further in the

future. For even though Japan's participation in the campaign against terrorism has demonstrated that it remains closely tied to the a US-led vision of international security, the potential adoption by its security policy-makers of collective security has opened the way also to closer cooperation with the UN, so realising Ozawa's vision of security once again and providing a possible counterbalance to the influence of the US.